

Lumpkin County Land Use Code

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Lumpkin County Land Use Code

Chapter 1. Adoption, Purpose and Applicability

This Chapter sets out the legal basis for the land Use Code and its broad purposes, describes the lands to which and circumstances under which the Code applies, and describes how the Code is to be interpreted when certain words or phrases are used or uncertainty of meaning may exist.

Sec. 101 Title and authority.

101 (a) Title.

This Land Use Code regulates the use of land, the location and use of buildings and other site improvements. This Code shall be known as and may be cited as “The Land Use Code of Lumpkin County, Georgia” or, for brevity, “The Land Use Code.”

101 (b) Authority.

This Land Use Code is adopted under authority of Chapter 9, Section 2, Paragraph 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. 36-66-1 *et seq.*) and other applicable laws enacted by the General Assembly.

Sec. 102 Adoption.

102 (a) Repeal of conflicting laws.

All conflicting laws or parts of laws of Lumpkin County are hereby repealed to the extent of their conflict. Where this Land Use Code overlaps with other requirements adopted by the Board of Commissioners, whichever imposes the more stringent restrictions shall prevail.

102 (b) Severability.

If any section, subsection, sentence, clause, phrase or portion of this Land Use Code or any amendment to it is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Land Use Code or an amendment to it.

102 (c) Effective date.

This Land Use Code shall take effect upon its adoption by the Board of Commissioners of Lumpkin County, Georgia.

Sec. 103 Purpose and intent.

The purpose of this Land Use Code is to promote the health, safety, and general welfare of the public, and is intended to:

- (1) To promote the orderly and beneficial development and expansion of the County;

- (2) To preserve the property rights of individual property owners;
- (3) To retain and enhance the County's most significant values: the quality of the rural landscape and environment, the diversity of its population, the small town character, historic features, high-quality services, and strong participation by residents in government.
- (4) To promote efficient investment in public infrastructure and;
- (5) To protect environmentally sensitive and agriculturally vulnerable lands, preserve scenic vistas, views and meadowlands, provide landscaping and other elements of an aesthetic nature.

103 (b) **Intent relative to private property agreements.**

This Land Use Code is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Clerk of the Superior Court, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this Land Use Code.

Sec. 104 General applicability.

104 (a) **Lands to which this Code applies.**

This Land Use Code applies to all lands within the unincorporated areas of Lumpkin County, Georgia.

104 (b) **Use of land or structures.**

- (1) The legal use of existing structures and land is grandfathered under the provisions for nonconformities in this Land Use Code.
- (2) No new structure or land use shall hereafter be created or occupied except in full compliance with the provisions of this Land Use Code.
- (3) Street rights-of-way shall not be considered a part of a lot or front yard setback for the purpose of meeting the minimum requirements of this Land Use Code.

Sec. 105 Exemptions.

105 (a) **Previously Issued Permits.**

The provisions of this Land Use Code and any subsequent amendments shall not affect the validity of any lawfully issued and effective building or development permits if:

- (1) The development activity or building construction authorized by the permit has been commenced prior to the effective date of this Land Use Code or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and
- (2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only pursuant to a new permit issued in conformance with the current requirements of this Land Use Code in effect on the date of the permit expiration.

105 (b) Governmental Bodies.

All governmental bodies and authorities legally exempt from regulation under the police power of Lumpkin County are exempt from the regulations contained in this Land Use Code.

Sec. 106 Interpretation.**106 (a) Responsibility for interpretation.**

- (1) The Director of Planning & Development shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Land Use Code.
- (2) Interpretations of the Director of Planning & Development may be appealed under the provisions of this Land Use Code relating to Appeals.

106 (b) Use of words and phrases.

For the purpose of this Land Use Code, the following shall apply to the use of words and phrases:

- (1) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person “he” or “his” also means “her” or “hers.”
- (2) References to the “County” and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Land Use Code shall always mean Lumpkin County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. References to an administrative department of Lumpkin County shall always mean the department created by the Board of Commissioners. These include:
 - a. The “Board of Commissioners” shall mean the Commissioner of Lumpkin County, Georgia, and upon its creation the Board of Commissioners of Lumpkin County, Georgia.
 - b. The “County Administrator,” appointed as such by the Lumpkin County Board of Commissioners, or the County Administrator’s designee.
 - c. The “Director of Planning & Development,” appointed as such by the County Administrator, or the Planning & Development Director’s designee.
 - d. The “County Engineer,” appointed as such by the County Administrator, or the County Engineer’s designee.
 - e. The “Planning Commission” created as such and appointed by the Lumpkin County Board of Commissioners.
 - f. The “Chief Building Official” (referred to also as the “building inspector”) appointed as such under the Building Code, or the Chief Building Official’s designee.
 - g. The Code Enforcement Officer, appointed as such by the County Administrator, or the Code Enforcement Officer’s designee.

- (3) The word “person” is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- (4) The words “shall,” “will,” “is to” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
- (5) The word “and” indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.
- (6) The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following.”
- (7) The word “day” means a calendar day unless otherwise specified as a workday, which means Monday through Friday excluding official County holidays.
- (8) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”
- (9) The term “Future Land Use Plan Map (FLUP)” means the Official Future Land Use Plan Map of Lumpkin County, Georgia, and may include a single map or a series of maps in sections.
- (10) The nouns “Character Area,” “Village,” “Center,” “Corridor,” and “Node” have the same meaning and refer to the land use designations established under this Land Use Code and the Future Land Use Plan Map

106 (c) **Meaning of words and phrases.**

- (1) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and chapter in which they occur.
- (2) Existing Land uses
A property that, prior to the adoption of this Land Use Code, has contained a legal use may continue that use, subject to any applicable conditions, covenants or other restrictions previously existing. Any legal use that is prohibited or further restricted under this Land use Code shall be considered a non-conforming use and shall be subject to the provisions of Sec. 1003 governing non-conforming uses, unless specifically addressed within a Character Area.
- (3) New Land uses
An undeveloped property, any undeveloped portion of a property, a vacant building or any vacant portion of a building may be used for any land use, subject to the provisions of this Land Use Code, any applicable conditions of approval or other restrictions as applicable.
- (4) Words and phrases specifically relating to a category of land use or a structure that is defined in this Land Use Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Land Use Code shall be construed to have the meaning given by common and ordinary

use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce or a dictionary of the English language in current circulation.

- (5) Definitions are clearly identified as such and are located throughout this Land Use Code in the Chapters or Sections to which they most readily refer. All definitions, regardless of location within a Chapter of this Code, apply equally to the use of such terms throughout the Code. A glossary of all defined terms is appended to the end of this Code for convenience. However, if differences in wording occur between definitions of a term, the definition contained within a Chapter of this Code shall control.

Chapter 2. Use of Land and Structures

Sec. 201 Future Land Use Map.

The boundaries of the various Character Areas are shown on a map entitled “Official Future Land Use Plan Map of Lumpkin County, Georgia” adopted on the date of adoption of this Land Use Code, and as amended thereafter from time to time.

201 (a) Official Future Land Use Map adopted.

- (1) The “Official Future Land Use Plan Map of Lumpkin County, Georgia” (referred to in this Code as the “FLUP Map”) is adopted as the Official Future Land Use Map in the County’s Comprehensive Plan and is hereby made a part of this Land Use Code. All notations, references and other information shown on it shall be a part of this Land Use Code.
- (2) The Official FLUP Map as adopted at the time of adoption of this Land Use Code shall be identified as that map or series of maps signed by the Commissioner in office at the time of adoption, and attested by the Clerk of the Board of Commissioners. A certified copy of the FLUP map as originally adopted shall be kept on record in the County Clerk’s office.
- (3) The FLUP Map, as adopted, and as may be amended by the Board of Commissioners from time to time, sets forth the location of all character areas, villages and corridors in the County.

Sec. 202 Amendments to the Future Land Use Plan Map

- (1) The Future Land Use Plan Map, as adopted, shall be maintained and available in the Planning & Development Department.
- (2) No changes of any nature shall be made to the Future Land Use Plan Map except in conformity with amendments to the map approved by the Board of Commissioners or by adoption of a new Official FLUP Map of Lumpkin County. Such amendments shall be spread upon the minutes of the Board of Commissioners and shall be available for public inspection.
- (3) All Character Area boundary changes and amendments to the FLUP Map shall be noted on the map maintained in the Planning & Development Department with the date of the map change or amendment and reference to the implementing ordinance.

Sec. 203 Character areas; relationship to the Comprehensive Plan

The Lumpkin County Comprehensive Plan in combination with its Future Land Use Plan Map forms the basis for growth management within Lumpkin County. Appropriate character areas, villages and corridors have been created to provide a description of the actual character of an area (i.e., rural, urban, village, town) that link the Future Land Use Plan Map directly to this Land Use Code. Land use regulations within Character Areas are written for different types of uses, such as agriculture, residential, commercial, and industrial land uses to assure that new development fits into the overall feel of the area. The use of development standards that provide a range of development intensities, buffers and landscape standards are established to reduce potential

negative impact on surrounding properties. The County reserves the right to limit projects to intensities below the Comprehensive Plan's upper limits.

203 (a) **Restrictions on the land use within Character Areas, Villages and Corridors.**

No land shall be developed within a particular character area unless the property is compatible with the standards outlined within this code and as designated on the Future Land Use Plan Map.

- (1) For the purposes of this restriction, "within" shall mean that at least 50% of the land area contained in the property shall be located within the boundary of the Character area as delineated on the Future Land Use Map.
- (2) Changes to Character Area, Village or Corridor Designations on the Future Land Use Plan Map, or specific development standards within these designations shall follow the processes as outlined within Chapter 9 "Procedures" Sec. 902 of this Land Use Code.

Sec. 204 Uses allowed in each character area, village or corridor.

204 (a) **Allowed principal and accessory uses.**

- (1) A *Principal Use* is the specific, primary purpose for which land or a building is used.
- (2) An *Accessory Use* is a use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.
 - a. All accessory structures must be located a minimum of 5 feet from the property line where no setback is specified, except as specifically defined within a character area, village or corridor.
 - b. Accessory buildings, except within the Agricultural Preservation Character area, shall not exceed 50% of the square footage of the principle use, except as specifically exempted within a character area.
 - c. Any accessory building or use that functions as a primary use, or in the opinion of the Planning Director shall be reclassified as a primary use, and shall be required to meet the appropriate restrictions and development standards for such use.

204 (b) **Required Buffers.**

Buffers are required as outlined within each character area, village and corridor. The following shall apply with regard to buffers:

- (1) Buffers are required as outlined within each character area, regardless of existing adjacent use. Because no land use is prohibited within a character area, future potential compatibility issues must be addressed upon building.
- (2) Additional buffers may be required as outlined in the Specific Restrictions Chapter by use.
- (3) Within villages and corridors, buffers are required at rear and side setbacks of any property that is adjacent to a character area, except for discouraged uses.

- (4) Discouraged uses within a village or corridor are required to provide side and rear buffers within the village or corridor.
- (5) Discouraged uses that are not specifically addressed within a village or corridor are required to have a minimum side and rear buffer of 100 feet.

The except to this requirement is within villages and corridors.

204 (c) **Land use; preferred.**

The basis of this Land Use Code is to guide growth to preferred locations. No land use is prohibited in any character area, village or corridor, although some specific uses require Special Land Use Approval (SLUA), or must meet additional restrictions as outlined within **Error! Reference source not found.**, Chapter 6 and Chapter 9. Each character area, node and corridor provides a table of preferred and discouraged land uses. Higher development standards are required for land uses that are “discouraged” within a character area, village or corridor.

204 (d) **Special land use approval.**

Certain uses may present unique impacts on neighboring properties, and therefore require Special Land Use Approval as outlined in Sec. 902 of this Land Use Code.

204 (e) **Restrictions on particular uses.**

Overall restrictions and restrictions to specific uses are listed in **Error! Reference source not found.** and Chapter 6 of this Land Use Code. Restrictions also apply to Special Land Use Approvals (SLUA) uses unless specifically waived or modified as a stipulation of such approval.

Sec. 205 **Definitions of land use categories.**

Land use categories referred to in this Land Use Code have the following meanings.

205 (a) **Agricultural.**

A property used primarily for the cultivation of crops, dairying or the raising of livestock. Agricultural property may also include the residence of the owner and other accessory buildings. Examples of agricultural uses include the following:

- a. Crop production, greenhouse, nursery and floriculture production;
- b. The raising of livestock;
- c. Forestry and logging;
- d. Commercial fishing, hunting and trapping; and
- e. Support activities for crop production, animal production and forestry.

205 (b) **Residential Uses.**

A property occupied primarily by a structure used to house one or more family.

- a. Single- and two-family residential, site or manufactured home, Single family attached, duplex or townhouses, lofts;
- b. Multi-family residential (3 or more units or a mobile home park);
- c. Rooming and Boarding Houses; small lodging facilities (up to 25 rooms)

- d. Personal care homes (up to 15 under care)

205 (c) **Commercial.**

A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel). This Category is split into types and size of commercial uses according to intensity:

- (1) Agricultural Commercial: Retail and service establishments primarily serving agricultural activities or otherwise oriented to horticultural or animal husbandry activities, such as:
 - a. Retail sales, including produce stands, Wineries, nurseries;
 - b. Farm equipment rental, sales, service; and
 - c. Large animal veterinary services.
- (2) Neighborhood Commercial: Small scale convenience type commercial that primarily serves the immediate neighborhood, such as:
 - a. Gasoline service station, convenience Store/Quick stops;
 - b. Small shops;
 - c. Beauty, barber, and personal services; and
 - d. Professional services, such as lawyers, tax accountants.
- (3) Community Commercial: Retail and service business that serve several neighborhoods, such as:
 - a. Medical offices and labs;
 - b. Banks, Credit Unions and Savings Institutions;
 - c. Hotels and Motels (over 25 rooms);
 - d. Medium sized shops, such as drug stores; and
 - e. Light auto repair.
- (4) Intensive Commercial: Large uses that are regionally oriented and may possibly be highway oriented and light industrial in nature, including:
 - a. Corporate Offices;
 - b. Regional Malls;
 - c. Office and business parks;
 - d. Warehousing and Distribution;
 - e. Lumber yards, home supply marts;
 - f. Truck, utility trailer and RV rental and leasing or sales; and
 - g. Motion Picture Theaters; and
 - h. Vehicle related uses, such as body shops, auto painting and truck repair.

205 (d) Industrial.

A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, and the storage or distribution of goods and products. Industrial uses are divided into two categories: industrial and intensive industrial. Examples of uses, include:

(1) Industrial

- a. Light manufacturing, such as medical equipment, signs, sports and athletic goods, computer and electronics.
- b. Wholesale trade;
- c. Warehouse and storage; and
- d. Transportation, Communications and Utilities, such as taxi and limousine services, general freight trucking and utility substations

(2) Intensive Industrial

Intensive industrial uses are potential public nuisances and are potentially dangerous to the health, safety or general welfare of the inhabitants of Lumpkin County. Uses include compelling safety issues such as heavy truck traffic, intensive noise, smell, smoke, glare, the use of caustic chemical, potential for groundwater infiltration, and other potentially hazardous environmental problems. All intensive industrial properties require a SLUP in any character area of the County. Examples include:

- a. Heavy manufacturing, such as animal slaughtering and processing;
- b. Mills (Textile and Paper);
- c. Junk and Scrap yards;
- d. Waste Management Services;
- e. Quarries; and
- f. Asphalt and cement plants.

205 (e) Public or institutional use.

A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution. Examples include:

- a. Religious institutions;
- b. Schools; and
- c. Cemeteries and Mausoleums.

Sec. 206 Character areas; established

The use of character areas applied on the FLUP Map provide a direct link between planning and implementation, and allow proposed changes to be considered within the context of a community's long-range plan. This Land Use Code seeks to:

- (1) accommodate existing land use patterns without creating large number of non-conforming uses;
- (2) provide an easier and more flexible land use tool than traditional zoning;

- (3) directly link comprehensive planning and land use controls; and
- (4) emphasize guidance and influence of future development patterns and de-emphasizes control and restrictions.

The term “character area” includes the designation of villages and corridors.

206 (b) **Character areas; descriptions.**

For purposes of this Code, the following character areas, villages and corridors are established on the FLUP Map:

- (1) Agricultural Preservation;
- (2) Rural Places;
- (3) Residential Growth Area;
- (4) Intensive Industrial;
- (5) Neighborhood and Community Village Centers; and
- (6) Commerce and Gateway Corridor.

206 (c) **Character areas, Organization.**

Each character area is organized as follows:

- (1) Overall character and intent;
- (2) Guiding principles;
- (3) Preferred land use pattern table; and
- (4) Development standards.

206 (d) **Development Standards.**

The use of Development Standards addresses compatibility between land uses; the identified “character” of an area sets the tone for these standards. Development standards vary by character area and address general land use issues such as accessory buildings and outdoor storage, and specific standards such as density, site placement and buffers between uses.

Development standards provide the mechanism for the integration and interaction of various uses while limiting potential negative impacts. The use of development standards shall be as follows:

- (1) Except for uses requiring a SLUA, specific land uses are not prohibited but either encouraged or discouraged depending on the character area. Growth is encouraged to locate in preferred areas because the standards are less strict there, but not required to do so.
- (2) Development standards are listed by type of use and neighboring use.
- (3) Very intensive industrial uses require special land use approval within all character areas due to potential negative impacts and unique infrastructure requirements for such use as outlined in Sec. 902.

Chapter 3. Character Area Descriptions

Sec. 301 Agricultural Preservation.

301 (a) Overall character and intent.

Farming is a viable and desirable way of life within Lumpkin County. It provides jobs, contributes to the local economy and creates demand for support business. Lumpkin County also depends on the scenic beauty created by open pastureland, cultivated cropland, and managed woodland to attract tourists to hike on its trails, stay in its bed and breakfasts and to buy local crafts and food products. Family farms, agricultural operations, conservation areas, vast natural and scenic resources and a rural landscape are a large part of the community's identity and culture.

The intent of the Agricultural Preservation Character Area is to preserve and reduce development pressure on existing conservation and agricultural uses, provide areas for future expansion of these uses and to provide for compatibility standards to lessen the impact between non-compatible uses, especially residential and active agricultural operation. This character area encourages active conservation, farming, commercial agricultural uses and very low-density large lot residential development and discourages "conventional" subdivision development, in order to act as a buffer as suburban development creeps into the County's agricultural areas. There is an emphasis on distancing requirements between active agricultural uses and new residential uses by requiring "new uses" to provide the required buffer. This underlies the County's commitment to protect active agriculture from residential intrusion and residential uses from potential agricultural nuisances.

301 (b) Guiding principles.

To retain the rural character of the Agricultural Preservation Character Area, encouraged uses are primarily agriculturally related uses and operations, and very low-density residential uses. Residential uses within the district are intended to be primarily scattered single-family homes (site built and manufactured) on 3 acres or greater, or compatible large lot, conservation, and equestrian oriented subdivisions. Separations between residential and agricultural uses are required to lessen negative impacts to both farms and residential properties. The following guiding principles are to be used as a guide during the land development process:

- a. Intensive farming areas may result in odors, dust, noise or other effects that may not be compatible with residential development. Conversely, residential development can have negative effects on agricultural uses as more people mean more children and pets that can intrude into agricultural production. Adequate buffer must be provided to lessen incompatible impact.
- b. Vast areas of sensitive natural and historic resources, including large portions of the Chattahoochee National Forest require a lower developmental impact.
- c. Public water and sewerage is not planned, nor are regional public facilities, thereby requiring a very small residential population through large lot development.

301 (c) **Preferred Land Use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within this character area.

Land Uses Encouraged	Land Uses Discouraged
Intensive agricultural production Timber Production Conservation (National Forest, passive recreation, hiking trails) Class I, V, VI and VII subdivisions Stick built and Manufactured homes on individual lots Agriculturally related commercial such as farm produce, large animal veterinary services, farm equipment repair and sales, livestock auctions* Cottage Industries* Small lodging* Vacation Cabins, RV Parks and Campsites* Compatible institutional uses, such as churches, summer camps	Class III, IV, and VI Conventional Subdivisions Stand alone non-residential uses
*See Error! Reference source not found. and Chapter 6 , for individual requirements	

301 (d) **Development Standards.**

- a. In
- b. Accessory Buildings.
 1. All accessory buildings must be built outside of any applicable setbacks, or 20 feet from any property line if no setbacks are required. The exception is livestock based outbuildings, which must follow the restrictions under "Agricultural Separation," within this Code.
 2. Any accessory business that is inherently part of an active agricultural operation is exempt from the standards for "Residential Businesses" under section ___ in this Land Use Code.

c. Outdoor Storage

Agriculturally related items normally associated with agricultural operations may be stored on the property as long as they are setback at least 25 feet from any property line. Agricultural Uses.

d. Buffer requirements.

The following agricultural structures or operations, when constructed or established, must be at least 50 feet from any property line adjacent to a residential use that is existing or under construction:

1. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables;
2. A horse stable containing more than 4 stalls, and any corral, pen or horse riding ring;
3. Feedlots and hog parlors; and

- 4. Manure and other waste storage containers or pits and agricultural waste impoundment sites.
- e. All livestock shall be maintained within a fully fenced area.
- f. Preexisting Structures.

Any farm structure that is preexisting at the time of the adoption of this Code that does not meet distancing requirements is considered a nonconforming structure. However, such nonconforming structures are considered “grandfathered.” In addition to continued operation, the following will also be permitted:

- 1. reconstruction of any farm structure within the same foundation footprint; and
- 2. enlargement of any preexisting structure by not more than 50%.
- g. The Boarding & Breeding of Animals.
 - 1. The keeping of cattle, poultry and other non-domestic animals, other than personal livestock, feedlots and hog parlors shall require not less than 5 acres.
 - 2. Feedlots and hog parlors shall be conducted on tracts of land not less than 10 acres.

(2) Agricultural Distancing Requirement

- a. Separation from existing agricultural uses.

When a non-agricultural use is to be constructed on an adjacent property in proximity to any existing agricultural structure or operation that includes potential nuisances, such as livestock pasturing, the spreading of litter, etc, the adjacent use shall provide the following minimum distance from the agricultural use:

- 1. Any residential dwelling must be set back 300 feet from the property line.
- 2. A non-residential use, not categorized as “agricultural commercial” must be set back 150 feet from the property line. A non-residential structure may apply for an administrative variance to reduce this setback.
- 3. This requirement shall not apply to any residence within the confines of the agricultural property in question, or family subdivisions of such agricultural land.

(3) Residential Uses.

- a. Single Family Residential.

- 1. Minimum lot size 3 acres or greater, except in 3 lot splits (1 acre), “family” subdivisions, or Greenspace Subdivisions.
- 2. Greenspace and mixed use subdivisions as defined in the “Subdivision Regulations” shall require a minimum overall density of 1 acre per lot.

Larry, do we really want to make all lots 3 acres? Do we really want to eliminate 3 lot splits or Greenspace subdivisions? The intent is to limit conventional subdivision growth in the AG area.

The provision of guest houses and accessory apartments are really important to this county for family care, guests and affordable housing. Since other housing types are not generally available it was the opinion of the general public and the committee that this was one way to achieve this goal. They are currently in use all over now—this would merely be following the current trend.

3. All subdivisions to provide a 150-foot vegetative buffer along the side and rear property lines, except any property line that is adjacent to an existing subdivision..
 4. All lots within a subdivision classes III, IV, V, VI and VII must have access from a subdivision road. No lot shall have access directly from a county road. A 10-foot no access strip along the frontage of the property shall be drawn in favor of the County.
 5. Up to 2 dwelling units are permitted on a parcel. Guesthouses and accessory apartments are encouraged.
- b. Multi-family (greater than 3 units)
 1. Minimum 15 acres; density of 1 unit per acre;
 2. 200-foot vegetative buffer from the side and rear property lines.
 3. Must be connected to public water and sewer, or a County approved community system.
 - c. Personal livestock.
 1. A personal horse stable or barn may be provided that does not contain more than 4 stalls on any residential lot, without meeting the “agricultural distancing” requirements.
 2. A minimum of 2 acres for the first animal shall be provided, and an additional 1-acre for each additional animal kept on the property shall be provided, excluding fowl.
 3. A minimum of 1 acre for each 20 fowl shall be provide, up to 40 fowl on the property.
 4. All animals shall be maintained within a fully fenced area.
 5. Private riding stables within an equestrian oriented subdivision for the common use of all residents in the subdivision of 5 or more stalls shall meet the minimum acreage and distancing requirements as described in this Code. Distancing requirements may be specifically waived by a resident within the development.
- (4) Small Lodging (including B&Bs, Lodges, Inns, RV parks and Campsites).
- As defined in this Land Use Code, small lodging refers to “residential” type lodging up to 25 rooms Traditional hotels and motels, as defined are regulated as commercial uses.
- a. The minimum lot size shall be 2 acres.
 - b. Parking areas must be 25 feet from any side and rear lot lines adjacent to a residential use.
 - c. All lighting shall be directed within the property.
 - d. Accessory commercial uses shall be no more than 10% of the square footage of the structure, or more than 500 square feet.
- (5) Commercial Uses.

1. Commercial uses are encouraged to be located within Villages and Corridors within each character area. The following development standards are for stand-alone uses outside within this character area. Commercial uses shall be subject to the regulations as outlined in the Parking and Loading, Signage, and Landscape and Tree Conservation Chapters of this Code.

b.

- c. Any commercial use considered “intensive” shall be setback 25 feet from any property line, including a 10-foot vegetative or opaque buffer.

(6) Residential Business.

- a. All residential businesses must be performed wholly within the principle residence or within an accessory building that meets the requirements of this character area.

b.

- c. Safe ingress and egress and adequate off-street parking shall be provided to the side or rear of the property outside of required setbacks, or a minimum of 25 feet from any property line..

- d. Any accessory structure used for a residential business must be at least 25 feet from all property lines, and outside the minimum setbacks.

- e. Materials, equipment, or business vehicles may be stored or parked on the premises in a paved or graveled area in the rear yard or other area that is fully screened from the road and the neighboring property.

f.

- g. If in the opinion of the Director of Planning & Development a residential business has become more intense than the intent of this commercial designation, the appropriate commercial standards will apply.

- h. Accessory structures in which the business is located must be less than 2,000 square feet.

- i. An opaque buffer and a setback of 25 feet from all property lines shall be provided for retail type uses,

- j. An opaque buffer and a setback of 50 feet from all property lines shall be provided for an intensive commercial type uses.

(7) Neighborhood Commercial.

All neighborhood commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Neighborhood Village, Sec. 502 of this Land Use Code. Any stand along neighborhood commercial uses outside of designated village or corridors shall be subject to the following additional restrictions:

- a. Buildings and structures be kept rustic in appearance through the use of building materials such as stone, brick stained or natural wood siding.

- b. All uses must be setback at least 30 feet from the right of way.

- c. A maximum Floor Area Ratio of .25 is allowed on a parcel.

Larry asked why 2,000 sf. Cottage industries are part of the fabric of the county. In order to give flexibility to this distinct land use type and protect neighboring property we felt that some restrictions were in order. 2,000 sf is big enough to run a retail or small business, but, is a little bigger than the average size house, and therefore would limit some of the potential adverse effects.

- d. A 20 foot landscaped buffer is required along the side and rear property lines.
- e. A 5-foot front landscape strip is required, as described in 805 (c).
- f. Parking lot and loading area landscaping is required for any parking lot accommodating more than 5 vehicles.

(8) Community Commercial.

All community commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Community Village, Sec. 503 of this Land Use Code. Any stand-alone community commercial use outside of designated village or corridors shall be subject to the following additional restrictions:

- a. All uses must be setback at least 30 feet from the right of way line.
- b. Access must be provided from a paved public road.
- c. A maximum Floor Area Ratio of .10 is allowed on a parcel.
- d. A 30 foot setback and a 20 foot landscaped buffer is required along the side and rear property lines.
- e. A 10-foot front landscape strip is required, as described in 805 (c).
- f. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 vehicles.

(9) Intensive Commercial.

Any large scaled use considered intensive commercial as defined within this Land Use Code shall meet all standards as outlined in the Commerce Corridor, Sec. 504 Any Stand-alone intensive commercial uses outside of a commerce or gate corridor shall be subject to the following additional restrictions:

- a. All uses shall be setback 100 feet from any right-of-way line.
- b. All access must be from a paved public arterial road.
- c. A maximum Floor Area Ratio of .5 is allowed on a parcel.
- d. All uses shall contain a 50-foot front landscape strip, as described in 805 (c).
- e. All development shall have a 100 foot setback and a 30 foot buffer along rear and side property lines.

301 (e) **Intensive Industrial.**

Yes, this section is suppose to be restrictive due to the intensity of the use (quarries, land fills). "small factories" would not be classified as intensive.

Any use that is defined as "intensive industrial" within this Land use Code is subject to a Special Land Use Approval (SLUA) as outlined in the "Intensive Industrial," Sec. 902 of this Code. In addition the following shall apply:

- a. All properties must be a minimum of 10 acres (or greater If specifically restricted).
- b. A setback of 200 feet from all property lines, and the Right of Way shall be provided that includes a 100 foot buffer
- c. Access must be from a paved County or State Arterial.

Sec. 302 Rural Places.**302 (a) Description of Overall Character and Intent.**

Many areas of Lumpkin County are shifting from an agricultural base to one of mixed residential, commercial and industrial land development. The intent of the Rural Places Character Area is to retain a rural community, which benefits from its scenic rural landscape and its agrarian past while accommodating residential growth. In order to maintain the agricultural, economic, environmental and aesthetic benefits provided by the rural and natural landscape this character area encourages development opportunities by means of clustering development at farmsteads and large lot homesteads, crossroad hamlets, or within large lot conservation and master planned developments. This character area encompasses outlying areas of the county where water and sewer lines are not planned during the current Comprehensive Plan timeframe.

302 (b) Guiding Principles.

The overall character of the area is “rural” consisting of small-scale farms and low density residential on large home sites. The following guiding principles were used in the development of this Character Area:

- a. The agrarian and rural character shall be maintained as much as possible.
- b. Preserve this area as a transition from active large scale agriculture to residential uses;
- c. Provide opportunities for small farms and a low-density residential population in a rural setting.

302 (c) Preferred Land use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within this character area.

Land Uses Encouraged	Land Uses Discouraged
Small scale agricultural and forestry uses Single family homes on large lots Class I, II, III, V, VII subdivisions Rural, conservation and equestrian subdivisions Light agricultural commercial uses, such as commercial riding stables, farm produce, etc. Transient lodging, such as B&Bs, lodges, Inns, RV parks and Campsites* Compatible “Cottage” Industries* Compatible institutional uses, such as churches, community and neighborhood recreational centers*	Conventional Subdivisions Mobile Home Parks Higher density housing Stand alone non-residential uses Intensive agricultural commercial
*See the Error! Reference source not found. and Chapter 6, for individual requirements	

302 (d) Development Standards.

- a.

(2) Accessory Buildings.

- a. All accessory buildings must be built outside of any applicable setbacks, or 20 feet from any property line if no setbacks are required. The exception is livestock based outbuildings, which must follow the restrictions under “Agricultural Separation.”
- b. All accessory buildings must be located in the side or rear yard of the primary use, with the exception of a farm produce stand.
- c. A maximum height for accessory buildings shall be 2 stories or 35 feet.
- d. No accessory building, structure or use, shall be built upon a lot until construction of the principle building has commenced.
- e. Residential businesses that are not inherently part of an active agricultural operation are required to meet the standards as outlined under “Residential Businesses” in this Chapter.

(3) Outdoor Storage.

Outdoor storage is permitted as an accessory use and subject to the following:

- a. Outdoor storage must be located in the rear yard and setback at least 25 feet from any rear or side lot line; or
- b. The outdoor storage area must be screened from view by an opaque fence or free-standing wall no less than 6 feet in height or a buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.

(4) Agricultural Uses.

- a. Buffer requirements.

The following agricultural structures or operations, when constructed or established, must be at least 100 feet from any property line adjacent to a residential use that is existing or under construction:

1. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables;
2. A horse stable containing more than 4 stalls, and any corral, pen or designated riding ring;
3. Feedlots and hog parlors; and
4. Manure and other waste storage containers or pits and agricultural waste impoundment sites.

- b. All livestock shall be maintained within a fully fenced area.

- c. Preexisting Structures.

Any farm structure that is preexisting at the time of the adoption of this Land Use Code that does not meet distancing requirements is considered a nonconforming structure. However, such nonconforming structures are considered “grandfathered.” In addition to continued operation, the following will also be permitted:

1. reconstruction of any farm structure within the same foundation footprint; and

I really need input on this. We do want to limit this intensive use within this district. Any suggestions?

2. enlargement of the preexisting structure by not more than 25%.

d. The Boarding & Breeding of Animals.

1. The keeping of cattle, poultry and other non-domestic animals, feedlots and hog parlors shall require not less than 10 acres in area.
2. Feedlots and hog parlors shall not be conducted on tracts of land not less than 30 acres in area. The number of hogs allowed within this character area shall be _____

e. Separation from existing agricultural uses.

When a non-agricultural use is to be constructed on an adjacent property in proximity to any existing agricultural structure or operation that includes potential nuisances, such as livestock pasturing, the spreading of litter, etc, the new adjacent use shall provide the following minimum distance from the agricultural use:

1. Any residential dwelling must be set back 200 feet from the property line.
2. Any non-agricultural non-residential use must be setback 100 feet from the property line. A non-residential structure may apply for an administrative variance to reduce this setback.
3. This requirement shall not apply to any residence within the confines of the agricultural property in question, or family subdivisions of such agricultural land.

(5) Residential Uses.

a. Single Family.

1. Minimum lot size 1 acres or greater.
2. All subdivisions, except class VII Estate Subdivisions and Greenspace subdivisions, are to provide a 50-foot vegetative buffer along the side and rear lot lines, except for any property adjacent to an existing subdivision. All lots within a subdivision (except a 3 lot split) must have access from a subdivision road. No lot shall have access directly from a county road. A no access strip of 10-feet along the frontage of the property shall be drawn in favor of the County.
3. Up to 2 dwelling units are permitted on a parcel. Guesthouses and accessory apartments are encouraged.

b. Multi-family (greater than 3 units).

1. Minimum 10 acres; density of 1 unit per acre.
2. 100-foot vegetative buffer from the side and rear property lines.
3. Must be connected to public water and sewer, or a County approved community system.

c. Personal livestock.

1. A personal horse stable or barn may be provided that does not contain more than 4 stalls on any residential lot.

2. A minimum of 3 acres for the first animal shall be provided, and an additional 1.5 acre for each additional animal kept on the property, excluding fowl.
 3. A minimum of 1.5 acre for each 20 fowl shall be provide, up to 40 fowl
 4. All animals shall be maintained within a fully fenced area.
 5. Private riding stables within an equestrian oriented subdivision for the common use of all residents in the subdivision of 5 or more stalls shall meet the minimum acreage and distancing requirements as described in this Code. Distancing requirements may be specifically waived by a resident within the development.
 - 6.
- (6) Small Lodging (including B&Bs, Lodges, Inns, RV parks and Campsites).
- As defined in this Land Use Code, uses described here pertain to small tourist accommodations. Traditional hotels and motels, as defined are regulated as commercial uses.
- a. The minimum lot size shall be 2 acres for B&Bs, Lodges, and Inns.
 - b. The minimum lot size shall be 3 acres for RV Parks and Campsites. No space shall be within 25 feet of any property line.
 - c. Access shall be from a county or state road, excluding local subdivision streets.
 - d. Parking areas shall be located 25 feet from any property line.
 - e. All lighting shall be directed within the property.
 - f. Accessory commercial uses shall be no more than 10% of the square footage of the structure, or no more than 500 square feet.
- (7) Commercial Uses.
1. Commercial uses are encouraged to be located within Villages and Corridors within each character area. Any freestanding commercial use shall be subject to the regulations as outlined in the Parking and Loading, Signage, and Landscape and Tree Conservation Chapters of this Code.
 - b. Cottage Industries and Residential Businesses.
Cottage industries as defined in this Land Use Code are subject to the following restrictions:
 1. Safe ingress and egress and adequate off-street parking shall be provided for the commercial use to the side or rear of the property.
 2. Structures in which the business is located must be less than 2,000 square feet.
 3. An opaque buffer and a setback of 25 feet from all property lines shall be provided for retail type uses, and an opaque buffer and a setback 50 feet from all property lines shall be provided for a heavy commercial type uses.

4. All residential businesses must be performed wholly within the principle residence or within an accessory building that meets the requirements of this character area.
5. Only persons living in the dwelling unit plus 3 nonresident employees shall be located on the premises.
6. Materials, equipment, or business vehicles may be stored or parked on the premises in a paved or graveled area in the rear yard or other area that is fully screened from the road and the neighboring property.

No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential or agricultural occupancy.

7. In the opinion of the Director of Planning and Development a residential business becomes more intense that the intent of this commercial designation, the appropriate commercial standards will apply.

c. Agricultural Commercial.

1. Safe ingress and egress and adequate off-street parking shall be provided for all agricultural commercial uses.
2. Restrictions on outdoor storage as outlined within this character area must be adhered to.
3. A farm produce stand, either seasonal or permanent, is considered an accessory use to an agricultural use. Such stands are specifically permitted in the front yard of the principle building.
4. A setback between the commercial use and any residentially used property shall be 50 feet.

d. Neighborhood Commercial.

All neighborhood commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Neighborhood Village, Sec. 502 of this Land Use Code. Any stand-alone neighborhood commercial uses outside of designated village or corridors shall be subject to the following additional restrictions:

1. Buildings and structures be kept rustic in appearance and designed to fit into their surroundings through the use of building materials such as stone, brick, stained or natural wood siding.
2. All uses must be setback at least 30 feet from the right of way.
3. Access must be provided from a paved public road.
4. A maximum Floor Area Ratio of .25 is allowed on a parcel.
5. A 25 foot landscaped buffer is required along the side and rear property lines.

e. A 5-foot front landscape strip is required , as described in 805 (c).

1. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 cars.

The Committee felt that we eliminate this requirement. I think it remain since in pertains specifically to "stand alone" NC outside of a village

f. Community Commercial.

All community commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Community Village, Sec. 503 of this Land Use Code. Any stand-alone community commercial uses outside of designated village or corridors shall be subject to the following additional restrictions:

1. All uses must be setback at least 30 feet from the right of way line.
2. Access must be provided from a paved public road.
3. A maximum Floor Area Ratio of .10 is allowed on a parcel.
4. A 50 setback with a 30 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.

g. A 10-foot front landscape strip is required, as described in 805 (c).

1. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 cars.

h. Intensive Commercial.

Any large scaled use considered intensive commercial shall be as defined within this Land use Code shall all standards as outlined in the Commerce Corridor.:

1. All access must be from a paved public arterial road.
2. A maximum Floor Area Ratio of .5 is allowed on a parcel.
3. All structures must be 100 feet from any right-of-way.

i. A 50-foot front Landscape Strip is required along all frontages, as described in 805 (c).

- 1.
2. All development shall have a 200-foot setback with a 50-foot vegetative buffer from the rear and side property line adjacent to any residentially used property.

302 (e) **Intensive Industrial.**

Any use that is defined as “intensive industrial” within this Land use Code is subject to a Special Land Use Approval (SLUA) as outlined in the “Intensive Industrial” section of this Code. In addition the following shall apply:

- a. All properties must be a minimum of 20 acres (or greater If specifically restricted).
- b. The use shall be setback 100 feet from the right of way, or greater as applicable for safety and access.
- c. A buffer of 400 feet from the side and rear property lines shall be provided..
- d. Access must be from a paved County or State Arterial.

Sec. 303 Residential Growth Area.**303 (a) Description of Overall Character and Intent.**

As Lumpkin County continues to experience growth, traditional subdivisions and commercial nodes to service this growth are necessary. The intent of this character area is to channel growth pressures to areas that are suitable in terms of land use patterns, infrastructure investment, and to areas that have a more “urban” feel. Areas designated as residential growth areas are more urban in nature and can handle more density due to current and proposed infrastructure investment. Minimum lot size varies by type unit and infrastructure availability as provided in the County’s Subdivision Regulations.

303 (b) Preferred Land Use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within this character area.

Land Uses Encouraged	Land Uses Discouraged
Class III, IV, V, VI Conventional subdivisions Mixed use developments Mixed housing developments that include townhouses, cottage, single family developments Compatible institutional uses, such as churches, community centers, small recreational uses, community infrastructure Transient Lodging such as B&Bs, Inns, Lodges* Small Hotels and Resorts* Small scale cottage & residential businesses*	Intensive farming and livestock operations Agricultural commercial uses both heavy & light Single family homes on individual lots Manufactured homes on individual lots Class I, II and VII subdivisions Stand alone non-residential uses
*See Error! Reference source not found. and Chapter 6 for individual requirements.	

303 (c) Guiding Principles.

This character area encourages the development of a medium density urban population within traditional subdivision development in order to efficiently provide infrastructure, serve expected future population growth and to provide a variety of housing types. The following guiding principles were used in the development of this character area:

- These areas are located outside identified centers that are experiencing a high volume of residential growth and development pressure.
- The County will concentrate its resources and infrastructure development within this character area to ensure efficient public investment. Public water is either planned or available in this area, although with limited planned public sewer. The development of State approved community systems is encouraged.
- Residential population is medium density in nature and primarily single-family houses, and conventional subdivisions. Other types of housing types such as townhouses and multi-family developments are provided for in areas that

have the appropriate infrastructure (transportation access, public water and sewer) to provide a wide range of housing for current and future residents of the County.

- d. Due to the tourist orientation of the County, “Cottage Industries” and small-scaled “Residential Businesses” add to the overall fabric of this Character area.
- e. Regional level community facilities, such as parks, active recreation areas, community centers, schools, libraries and senior centers within this Character Area are located or planned in central locations.
- f. Although this character area is the most “urban” in nature, sensitivity to the natural and rural character is to be maintained as much as possible.
- g. Due to a higher residential orientation and density stronger development standards such as buffers, setbacks, access and design guidelines to assure compatibility between uses is required in this character area.

303 (d) Development Standards.

(1) In General.

a. Accessory Buildings.

- 1. Accessory buildings having a floor area of less than 400 square feet shall be at least 10 feet from the property line;
- 2. Accessory buildings having a floor area greater than 400 square feet must comply with the same setbacks as required for principal buildings within the character area. If there is no minimum setback, all accessory structures must be 50 feet from the property line.
- 3. All accessory buildings must be located in the rear yard of the primary use.
- 4. Accessory uses shall not occupy more than 30% of the rear yard or 50% of the principle structure.
- 5. Accessory structures shall not encroach upon any easement.
- 6.
- 7. A maximum height for accessory buildings shall be 2 stories or 35 feet.
- 8. No accessory building, structure or use, shall be built upon a lot until construction of the principle building has commenced.
- 9. All swimming pools, Jacuzzi, tennis court, deck or patio must be located at least 20 feet from any property line. Pools must be enclosed by a fence or wall at least 4 feet in height with a self-locking gate.
- 10. Residential businesses are required to meet the standards as outlined under “Residential Businesses” in this Chapter.

b. Outdoor Storage.

- 1. The outdoor storage area must be screened from view by an opaque fence or free-standing wall no less than 6 feet in height or a buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.

2. All outdoor storage must be located in the side or rear yard.
3. All outside storage must be located outside of the property setbacks, or a minimum of 50 feet from the property line if there is no setback.

(2) Agricultural Uses.

a. Buffer requirements.

The following agricultural structures or operations, when constructed or established, must be at least 300 feet from any property line adjacent to a residentially used property that is existing or under construction:

1. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables;
2. A horse stable containing more than 4 stalls, and any corral, pen or horse ring;
- 3.
4. Manure and other waste storage containers or pits and agricultural waste impoundment sites.

The following structures or operations, when constructed or established, must be at least 900 feet from any property line:

5. Feedlots and hog parlors.

b. All livestock shall be maintained within a fully fenced area.

c. Preexisting Structures.

Any farm structure that is preexisting at the time of the adoption of this Code that does not meet distancing requirements is considered a nonconforming structure. However, such nonconforming structures are considered "grandfathered." The reconstruction of any farm structure that is destroyed by an act of God may be rebuilt within the same foundation footprint.

d. The Boarding & Breeding of Animals.

1. Feedlots and hog parlors require a SLUA due to the residential nature of this character area.
2. The keeping of cattle, poultry and other non-domestic animals other than feedlots and hog parlors shall require not less than 20 acres in area.
3. For a kennel, veterinary hospital or clinic the minimum lot size shall be 5 acres and the number of animals maintained as breeding stock shall not exceed 4.

e. Separation from existing agricultural uses.

When a non-agricultural use is to be constructed on an adjacent property in proximity to any existing active agricultural structure or operation that includes potential nuisances, such as livestock pasturing, the spreading of litter, etc, the adjacent use shall provide the following minimum distance from the agricultural use:

1. Any residential dwelling must be set back 100 feet from property line of the agricultural use..

2. Any other non-agricultural non-residential use must be setback 50 feet from the agriculturally use property line. A non-residential structure may apply for an administrative variance.

(3) Residential Uses.

- a. All types of conventional subdivisions as outlined within the County's Subdivision Regulations.
- b. Minimum lot sizes and setbacks shall be as outlined within the Subdivision regulations.
- c. Multi-family (greater than 3 units)
 1. Located within Class VI subdivisions, and regulated by the subdivision regulations, or
 2. Minimum 5 acres; density of 1 unit per acre; and
 3. 100-foot vegetative buffer from the side and rear property lines.
- d. Personal livestock.
 1. A personal horse stable or barn may be provided that does not contain more than 4 stalls on any residential lot.
 2. A minimum of 4 acres for the first animal shall be provided, excluding fowl, and an additional 2-acre for each additional animal kept on the property.
 3. A minimum of 2 acres for 20 fowl shall be provided. Twenty fowl is the maximum allowed under "personal livestock" on a residentially used property.
 4. All animals shall be maintained within a fully fenced area.
- e. Private riding stables.
 1. A horse stable is allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision.
 2. Private riding stables must meet the minimum lot size requirements above for personal livestock, and agricultural separation requirements of this Land Use Code.

(4) Small Lodging: B&Bs, Lodges and Inns.

As defined in this Land use Code, small lodging refers to "residential type lodging up to 25 rooms. Large accommodates, such as traditional hotels shall meet the restrictions as outlined under commercial uses.

- a. Minimum acreage shall be 2 acres.
- b. No parking area for guests is to be located closer than 25 feet to any residential property line.
- c. A 25-foot setback with a 10 foot buffer shall be provided along the side and rear property lines adjacent to any residentially used property.

- d. Outside catering, parties, weddings or special events shall require special land use approval (SLUA) to ensure that adequate parking and safety issues are addressed.
 - e. No small lodging facility shall be within 300 feet of another small lodging facility.
 - f. Access must be from a County or State Road, and not a local subdivision street.
- (5) RV Parks & Campsites.
- a. The minimum acreage shall be 10-acres.
 - b. 100-foot buffer from the side and rear property lines adjacent to residentially used or vacant property.

(6) Commercial Uses.

Commercial uses are encouraged to be located within Villages and Corridors within each character area. Any freestanding commercial use shall be subject to the regulations as outlined in the Parking and Loading, Signage, and Landscape and Tree Conservation Chapters of this Code, in addition to the following restrictions:

- a. Outdoor Display Areas are prohibited in this Character Area except in conjunction with greenhouses and nurseries as defined below.
- b. Residential Business.
 - 1. All residential businesses must be performed wholly within the principle residence or within an accessory building that meets the requirements of this character area.
 - 2. A minimum of 2 acres.
 - 3. Only persons living in the dwelling unit plus 1 nonresident employee shall be located on the premises.
 - 4. Any accessory structure used for a residential business must be at least 50 feet from a property line.
 - 5. No outside storage is allowed on the property.
 - 6. No materials, equipment, or business vehicle may be stored or parked on the premises except that 1 business vehicle with a gross cargo weight of less than 1 ½ tons used exclusively by the resident may be parked in a paved driveway or other paved parking areas, carport, garage or rear yard.
 - 7. Any wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers may be parked within a fully enclosed building, or screened to the rear of the property.
 - 8. Proper access and parking shall be provided on site.
 - 9. There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.

10. Any retail sales or services provided on the property shall not begin before 8 am or continue past 7 pm.
 11. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
 12. In the opinion of the Planning Director, if a residential business becomes more intense than the intent of this commercial designation, the appropriate commercial standards will apply.
- c. Agricultural Commercial.
- A limited number of uses qualify as “light” agricultural commercial in this character area; including small plant nurseries and farm produce stands. All other agricultural commercial uses shall be regulated under the appropriate commercial category below.
1. A farm produce stand may be freestanding or an accessory use. If an accessory use to an agriculturally used property, such stands are specifically permitted in the front yard of the principle building.
 2. A minimum of 2 acres is required.
 3. A buffer between the commercial use and any residentially used property shall be 50 feet.
 4. Outdoor display areas shall comprise no more than 10% of the total square footage of the structure, and not remove any of the required parking from the use.
- d. A front landscape strip of 10 feet is required, as described in 805 (c).
- 1.
- e. Cottage Industries.
- Only cottage industries of a retail and service type (antique stores, attorneys, etc.) shall fit the definition of a “cottage industry” in this Character Area. All other commercial uses are to be regulated under the appropriate commercial category.
1. Safe ingress and egress and adequate off-street parking shall be provided for the commercial use to the side or rear of the property.
 2. Structures in which the business is located must be less than 1,000 square feet.
 3. An opaque buffer and setback of 50 feet from rear and side property lines adjacent to residentially used or vacant property shall be provided.
- f. Neighborhood Commercial.
- All neighborhood commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Neighborhood Village, Sec. 502 of this Land Use Code. Any stand-alone neighborhood commercial uses outside of designated village or corridors shall be subject to the following additional restrictions:

1. All uses must be setback at least 30 feet from the right of way.
 2. Access must be provided from a paved public road.
 3. A maximum Floor Area Ratio of .15 is allowed on a parcel.
 4. A 50 setback from the rear and side property lines with a 30 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.
- g. A 10-foot front landscape strip is required , as described in 805 (c).
- h. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 cars.
- 1.
- i. Community Commercial.
- All community commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Community Village, Sec. 503 of this Land Use Code. Any stand-alone community commercial uses outside of designated village or corridors shall be subject to the following additional restrictions:
1. All uses must be setback at least 30 feet from the right of way line.
 2. Access must be provided from a paved public road.
 3. A maximum Floor Area Ratio of .05 is allowed on a parcel.
 4. A 75 foot setback with a 40 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.
- j. A 10-foot front landscape strip is required , as described in 805 (c).
- k. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 cars.
- l. Intensive Commercial.
- Any large scaled use considered intensive commercial shall be as defined within this Land use Code shall all standards as outlined in the Commerce Corridor.. Any stand-alone uses shall be subject to the following additional restrictions:
1. A 200 foot setback that includes a 100 foot buffer is required.
 2. All access must be from a paved public arterial road.
 3. A maximum Floor Area Ration of .05 is allowed on a parcel.
 4. A minimum of 3 acres is required.
 5. All structures must be 100 feet from any right of way.
- m. A front landscape strip of 50 feet shall be provided, as described in 805 (c).
- n. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 cars.

(7) Intensive Industrial.

Any use that is defined as “intensive industrial” within this Land use Code is subject to the Special Land Use Approvals outlined in the “Intensive Industrial” section of this Code.

In addition the following restrictions shall apply:

- a. All properties must be a minimum of 20 acres (or greater If specifically restricted).
- b. A buffer of 400 feet from all property lines, and the Right of Way shall be provided.
- c. Access must be from a paved County or State Arterial.

Chapter 4. Intensive Industrial

Sec. 401 Overall Character and Intent.

Some necessary land uses have potential negative land use impacts and could be potentially dangerous to health, safety or general welfare located near residential development. Uses such as landfills, quarries, environmentally hazardous uses and heavy manufacturing establishments require individual study and conditions to ensure compatibility to surrounding properties. The intent of this character area designation is to assure that these uses are located in appropriate places within the county to minimize potential negative effects.

Sec. 402 Guiding Principles

The Intensive Industrial character area is established to provide locations for intensive industrial uses. The following guiding principles were used in the development of this character area, and may be used by the Planning Director in making a determination that a use is "intensive industrial":

- (1) Intensive industrial uses are necessary land uses within the County, but require specific and individual treatment to mitigate potential health, safety or general welfare of the inhabitants of Lumpkin County.
- (2) Intensive industrial uses may involve the conversion of raw materials into usable intermediate or finished products, or the use of acids or caustic chemicals, the production of unusually loud noise, smoke, glare, smell or traffic.
- (3) Intensive industrial uses may produce or involve environmentally hazardous by-products. The County must protect against its residents from potential contamination.
- (4) Residential, retail and office developments and intensive industrial are considered incompatible. Intensive Industrial uses should not be adjacent to such uses. When this is not possible, adequate land area, setbacks and buffers are required.
- (5) Adequate public facilities must be in place to serve intensive industrial, such as roadways, water & sewer infrastructure.
- (6) Individual studies, such as well impact and soil analysis studies may be required to assure that environmental issues are adequately addressed.
- (7) When located at the perimeter of a commercial village or corridor, intensive industrial should provide for uses that are lower in intensity and scale to ensure minimal impact to adjacent properties.

Sec. 403 Description of Intensive Industrial Development.

Below is a guideline as to what would be considered an intensive industrial use within the County. The Planning Director shall make an actual determination during the review process.

- (1) Bulk storage of petroleum, natural gas or other flammable gasses or liquids, other than as an accessory use to a gasoline station or truck stop.
- (2) Environmentally hazardous uses that require a Federal Section 313.

- (3) Leather and hide tanning and finishing, except taxidermy.
- (4) Paper manufacturing other than finished stationery products.
- (5) Petroleum and coal products manufacturing.
- (6) Solid waste combustors or incinerators.
- (7) Medical and hazardous waste.
- (8) Salvage, junk and wrecking yards.
- (9) Quarries or mining operations.
- (10) Waste Handling or disposal.
- (11) Any manufacturing or industrial activity that produces any of the following as products or by products of the manufacturing process:
 - a. Caustic or corrosive acids.
 - b. Chlorine or other noxious gasses.
 - c. Explosives.
 - d. Fertilizer or glue.
 - e. Products involving hair or fur.
- (12) Petroleum refining.
- (13) Processing of sauerkraut, vinegar or yeast.
- (14) Rendering or refining of fats and oils.
- (15) Wood preservation.

Sec. 404 Special Land Use Approval Required.

Because uses within this character area are usually large scaled operations, and pose unique development considerations, uses that are considered "intensive industrial" Special Land Use Approval (SLUA) is required.

Upon reviewing a proposed use the Planning Director shall make a determination if a use fits within the intensive industrial category. If a use is determined to fit into the intensive industrial category, the owner of the proposed use must file an application requesting a Special Land Use Approval (SLUA) with the County as outlined in the Procedures Chapter of this Code.

Sec. 405 Development Guidelines.

405 (a) Minimum Compatibility Standards.

Because of the specific nature of each intensive industrial use, each use will be reviewed on an individual basis as to potential impact, and specific standards and restrictions that apply. Following are minimum guidelines:

- (1) Such uses shall not be located closer than 500 feet from any residential property line.
- (2) A 300-foot buffer shall be provided if no specific buffer is outlined within the restrictions chapter for the specific use.

- (3) All uses must have a minimum land area of at least 10 acres. This minimum may be reduced if the Planning Commission determines a large area is not necessary the to health and welfare of the general public.
- (4) Manufacturing that will generate bio-medical, hazardous or liquid waste or air pollutants from the manufacturing process or is considered an environmentally hazardous use as defined in Sec. 406 and shall comply with relevant standards established by the state and federal governments, and acquire and keep current all necessary state and federal permits.
- (5) All environmentally hazardous uses must comply with those restrictions as outlined in this code.
- (6) Such use shall comply with all applicable state and federal laws.
- (7) Sites within this district shall be located with access only from a State or U.S. numbered highway, unless specifically exempted from this requirement by the Planning Commission.
- (8) Bulk storage tanks including natural gas or fuel storage stations with no above ground storage facilities may not be located closer than 500 feet to a Residentially used property line. All such storage must meet Fire Department Standards.
- (9) A well impact and soil analysis is required and subject to approval by the Board of Commissioners for any bulk storage tank facility.

Sec. 406 Environmentally hazardous uses.**406 (a) Section 313 required.**

Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, as defined by EPCRA section 313 Toxic Chemicals, must include this permit as part of its SLUA application.

(1) Section 313 businesses.

Any business that is required to file a Toxic Chemical Release Inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to special use approval in order to operate in Lumpkin County. An initial Form R or Form A must be included in the application for special use approval.

(2) Annual reporting required.

A Section 313 Toxic Chemical Release Inventory report (Form R or Form A) shall be filed with the Planning & Development Department annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report to the Planning & Development Department annually may be grounds to void County approval through reinitiating of the special land use approval.

Chapter 5. Villages and Corridors

To compliment and retain Lumpkin County's traditional settlement pattern of fields, woods, and low density residential development surrounding compact villages, a series of village and corridors has been developed to retain existing land use patterns and to channel commercial growth to available and appropriate locations. Villages and corridors of varying intensity have been located throughout the county based on the overall character of the area, surrounding land uses and availability of infrastructure. It is envisioned that these villages and corridors will provide an orderly and compact development pattern, provide for efficient infrastructure investment to avoid "retail creep" and fragmented land use patterns. Non-residential developments including such uses as an individual store, restaurant or service business, a hotel, office park, employment centers or a shopping center. Boundaries of each village and corridor have been identified on the Future Land Use Plan Map. Below is a brief description of each village and corridor character area:

Commercial Type	Description	Intensity of Use	Character Area
Neighborhood Village	Small-scaled convenience stores and services designed to serve daily local needs, located primarily at historic crossroad and junctions within the county.	Very small-scaled retail to serve adjacent area. No businesses shall be over 30,000 square feet. Shops are primarily in the range of 3,000 to 6,000 square feet.	All character areas—located at designated intersection nodes that are primarily rural in character and/or surrounding by low-density residential and agricultural development.
Community Village	Mixed use commercial and office uses designed to serve several neighborhoods. Regional scaled retail, services and employment centers. Regional public facilities such as schools, parks & libraries. Integrated housing encouraged	"Main Street" style retail within planned developments, small employment generators.	Residential Growth—located at intersection nodes that provide sufficient transportation access and buffering.
Commerce Corridor	Large scaled commercial, intensive office, light industrial, distribution, and major employment generators. "park development" is preferred.	Larger land uses, major employment centers and auto oriented retail.	Major transportation corridors that provide good access; increased buffering between other uses.
Gateway Corridor	Large scaled commercial, office, high technology and distribution uses that are designed to present a unified image along major corridors of the county.	Major employment generations and planned centers.	Development located along major roadways and traffic corridors leading into the County.

Sec. 501 Overall Development Standards.

All development within a designated village or corridor is subject to the following development standards, subject to any additional requirements within individual villages and corridors:

501 (a) Buffers.

Each village and corridor contains a list of preferred land uses that are considered compatible, and therefore buffer requirements between uses are not required, except

as outlined for specific uses in Chapter 6. The following shall guide buffer requirements:

- (1) If a land use is considered a desirable use within the village or corridor, buffers are not required next to other desirable uses within the village or corridor.
- (2) Buffers shall only be required for properties that are contiguous to a different character area in the rear or side yard that are adjacent to the different character area.
- (3) Properties that are not considered preferred uses shall provide buffers along both side yards and the rear yard to ensure future land use compatibility.
- (4) If specific buffers are not listed for a use, the minimum buffer requirement shall be 50 feet.

501 (b) **Landscaping and Tree Conservation.**

All developments shall meet the requirements as set forth in the Landscaping, Buffers and Tree Conservation Chapter with regard to types, location and maintenance of landscaping, parking lots, buffers and tree conservation.

501 (c) **Signage.**

All developments shall meet the requirements as set forth in the Signage Chapter, with regard to height, size and location of signage.

501 (d) **Lighting.**

The following lighting standards shall apply to all non-residential developments.

- (1) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties or roadways.

(2) **Parking Areas.**

Lighting shall be provided throughout all parking areas utilizing decorative light poles/fixtures. Lighting poles shall be a maximum of 50 feet in height.. Other than pedestrian light fixtures of 14 feet or less, , light fixtures shall be hooded.

Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

(3) **Prohibited lighting.**

The following lighting is prohibited:

- a. Permanent mounted exterior neon lights.
- b. The use of a laser source light for outdoor advertising or entertainment.

501 (e) **Parking.**

All uses within these character areas will provide adequate parking and parking lot design as outlined in the Parking Chapter of this Land Use Code.

- (1) In the Gateway Corridor character area, no more than 50% of the required minimum number of parking spaces for a nonresidential use may be located between the principal building on a property and an adjoining street (i.e., within a front

yard, as defined by this Code) allowing the number of minimum parking spaces to be reduced in accordance with Section 703 (a)(3).

- (2) In all other character areas, nodes and corridors, parking is encouraged to be located in a side or rear yard, as defined by this Code allowing the number of minimum parking spaces to be reduced in accordance with Section 703 (a)(3).

Sec. 502 Neighborhood Village Center.

502 (a) Description of Overall Character and Intent.

Neighborhood village centers are places where small-scaled commercial uses, such as a bank, a quick mart, drug store, dry cleaner, and gas station, are arranged in a village-like setting that might include a neighborhood park. Neighborhood centers are located throughout the county at historic crossroads or junctions, and have developed over the years to serve local needs. These areas are typically rural in character and are located adjacent to single family homes on large lots. Thus, a neighborhood center is envisioned as a compact assortment of small convenience-oriented retail stores and services to address the demands of adjacent residents in less urbanized parts of the county.

From an urban design perspective, sidewalks and linkages are important circulation features, but even more important is the scale of the roads that serve these areas. Given its small scale and often pastoral nature, a neighborhood center would be overwhelmed by wide thoroughfares carrying high-speed traffic and instead rely on more modestly scaled roadways and tree-lined streets. Although not specifically part of this Land Use Code, enhancements relating to urban design elements, such as pedestrian lights, consistent signage, and landscaping may be applied to specific developments that create a sense of place in what may have once been little more than a crossroads.

502 (b) Preferred Land Use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within a neighborhood village center.

Land Uses Encouraged	Land Uses Discouraged
Neighborhood Commercial, such as: Convenience Stores General Merchandise Store Grocery Store Gas Stations* Drug Stores Bank Branches Dry Cleaners Hardware Stores Small offices (doctor, attorney, etc.) B&Bs, Inns and Lodges* Lofts within mixed use developments	Community Commercial Heavy Commercial Freestanding Residential Uses Industrial Uses
*See Error! Reference source not found. and Chapter 6 for individual requirements.	

502 (c) Development Standards.**(1) Maximum Building Floor Area.**

The gross floor area occupied by a single business establishment may not exceed the following, nor may a multi-tenant commercial building exceed 100,000 square feet and may contain one grocery store and one drug or hardware store.

- a. Grocery or General Merchandise store 30,000 square foot maximum.
- b. Drug or Hardware Store 20,000 square foot maximum.
- c. Convenience food with fuel pumps 3,000 square foot maximum.
- d. All other stores and offices 6,000 square foot maximum.

(2) General Restrictions.

- a. No overnight outside storage of any vehicles or automobile that are being repaired or serviced is allowed.
- b. Accessory and outdoor storage shall be screened from view with a 6-foot opaque fence.
- c. No light automotive repair establishment or full service gasoline station shall provide outside repair of vehicles except for replacing taillights, wiper blades, batteries and tires and routine inspections.
- d. outside runs or dog kennels shall be screened and 50 feet from any property line for any veterinary office. General Architectural Requirements.

Groups of buildings on the same parcel (or neighboring adjacent parcels) may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality, coordination and design flexibility.

- e. Historic elements or natural features on the property be maintained and continued as much as possible.
- f. A building entrance must be oriented towards the public right of way or an interior courtyard.
- g. Roof mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.
- h. All garage bay doors shall be oriented away from the public right of way to either the side or rear of the building, or landscaped to screen the bay doors from other properties or the public right of way..

(3) Access and Circulation.

- a. Access shall be provided off a public road..
- b. Adequate circulation and parking shall be provided on site as specified in the "Parking and Loading" chapter. Parking shall be located to the side or rear of the building when possible.
- c. Sidewalks or pedestrian walkways and linkages shall be provided from the parking areas to building entrances or public pedestrian areas and between buildings.

- d. Interparcel access and shared parking facilities as outlined in the Parking and Loading Chapter are encouraged.
 - e. Alternative paving surfaces are encouraged to reflect the rural character of these areas as outlined within the Parking and Loading Chapter.
- (4) Landscaping and Buffer Requirements.
- a. A 30 foot setback from right-of-way.
 - b. A 20-foot setback is required along the side and rear property lines. A 10-foot buffer is required if the property adjoins a residential use as outlined within the Landscaping and Tree Conservation Chapter.
 - c. A 5-foot front landscape strip is required.
 - d. Parking Lot and Loading Area Landscaping is required for any parking lot accommodating more than 20 vehicles

Sec. 503 Community Village Center.

503 (a) Description of Overall Character and Intent.

Typically located at the convergence of major transportation corridors, community village centers are envisioned as places where a compatible mixture of higher intensity uses, such as larger scaled shopping centers, services and professional offices are organized within mixed-use developments. Community village centers include shopping and service facilities that offer a wide variety of goods and services, including both convenience goods for neighborhood residents and shopping goods for a market area consisting of several neighborhoods. Whereas someone might live near a neighborhood village center but work outside the county, the community village concept could include a variety of housing options, employment opportunities, businesses, office, retail shops, services, well-placed parks, plazas and open spaces linked together by a comprehensive circulation system that creates a community where it is possible to live, work and play.

Land use components coexist as part of a collective approach to creating communities that are safe, attractive, and convenient for pedestrians and motorists alike. Buildings be designed to conform to architectural standards and oriented in close proximity to each other to facilitate walking instead of driving. Natural and historic resources within community village centers should be enhanced and preserved as a means of defining a distinct identity or sense of place. Community facilities such as schools, branch libraries, and government services, serve as anchors and help to create identity. Access is provided through a comprehensive system of streets, sidewalks and greenways that intersect at key locations and connect residential areas to commercial uses.

503 (b) Preferred Land Use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the Community Village Center character area.

Land Uses Encouraged	Land Uses Discouraged
Neighborhood Commercial	Heavy Commercial

Community Commercial, such as: Restaurants, General Merchandise Retailers, Midsize Office Buildings, Business Support Services, Private Enrichment Schools, Hotels and Motels, Small Automotive Repair Residential Uses, such as: Mixed Use Dwellings, including Live/Work Spaces, Lofts, Small Apartment Buildings, Retirement Communities, Townhouses, Group and Congregate Homes, Assisted Living Regional public/institutional facilities: Parks, Schools, Libraries, Community Centers, Active Recreation Planned Shopping and Business Centers	Auto Oriented Commercial, such as car dealerships Single Family Residential Uses Industrial Uses
*See Error! Reference source not found. and Chapter 6 for individual requirements..	

503 (c) **Development Standards.**

(1) Maximum building Floor Area.

- a. Single use buildings less than 100,000 square feet or a planned center of less than 500,000 square feet do not require a SLUA as outlined in the procedures chapter of this code.
- b. Buildings and planned centers over the above listed thresholds, require a SLUA as outlined in the procedures chapter of this code.

(2) Site design.

Community village centers are intended to be developed as planned shopping centers or other coordinated development that incorporate a higher level of design and land use relationships along with greater flexibility in site planning and minimum property restrictions. Strip commercial patterns and stand-alone uses are discouraged. When designed as a master planned development, the integration of residential and commercial uses within the same structure or site is encouraged.

- a. No long-term outside storage of any vehicles or automobile is allowed. Only vehicles awaiting repairs (as permitted in this character area) may be parked on the property. All vehicles awaiting repair must be currently licensed by individuals other than the owner of the property of the business.
- b.
- c. Outdoor storage shall be fully shielded from public view by a fully opaque fence at least 6 feet high kept in good repair, and located in the rear or side yard.
- d. Process, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, glare, smoke, noise or vibration.
- e. Accessory outdoor dining is permitted as long as it does not inhibit pedestrian circulation. A minimum of 5 feet of sidewalk or pedestrian path width must be retained. Other dining areas may be provided as long as they do not inhibit pedestrian circulation.

(3) Architectural Standards.

- a. Roof mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.

SLUA has been used here to specifically address "big box" type retailers

- b. All one-story buildings less than 10,000 square feet must have a pitched roof (between 5:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of a flat roof and pitched roof is required.
 - c. All principal building shall present a front façade and entranceway to the public right of way..
 - d. All garage bay doors shall be oriented away from the public right of way to either the side or rear of the building, or landscaped to screen the view from other properties or the public right of way.
- (4) Parking and Access.
- a. Access shall be provided by a paved public road.
 - b. Adequate circulation and parking shall be provided on site as specified in the "Parking and Loading" chapter. Parking shall be located to the side or rear of the building when possible.
 - c. Clear and direct pedestrian linkages shall be provided from the parking area to building entrances or public pedestrian plazas and areas.
 - d. Internal linkages between properties shall be provided.
 - e. Interparcel access and shared parking facilities as outlined in the Parking and Loading Chapter are encouraged.
- (5) Landscaping and Buffer Requirements.
- a. A 30-foot setback from the right-of-way.
 - b. A 50-foot buffer is required along the side and rear property lines perimeter of the village that adjoins residentially used property; or a 20 foot buffer for any other uses located on the perimeter of the corridor within the Landscaping and Tree Conservation Chapter.
 - c. A 15-foot front landscape strip is required.
 - d. Parking Lot and Loading Area Landscaping is required for any parking lot accommodating more than 10 vehicles

Sec. 504 Commerce Corridor.

504 (a) Description of overall Character and Intent.

Commerce Centers are envisioned as destinations for expanded trade opportunities that accommodate higher densities. Less pedestrian oriented than neighborhood or community villages, commerce centers are dependent upon access not only to transportation networks, but also to technology and communication infrastructures. Similarly, the provision of adequate public services in the form of water, sewer, and power are critical to the functionality of these areas.

Major commercial uses and employment generators have the potential to place heavy demands on public facilities or cause significant impacts on the environment. Intensive commercial that is light industrial in nature, such as truck stops and heavy auto repair also have substantial noise, odor and air pollution implications. The intent of the commerce corridor designation is to provide a variety of tracts for heavy commercial uses, light industrial and employment uses that are limited to office and business parks, large scale commercial, office-warehouse centers, distribution/service, light in-

dustrial, high-technology and researching, wholesaling companies and similar businesses that have no significant impacts on the environment. Because of the intensity of use and its potential relationship to residential uses, heavy industrial is prohibited in this character area. When located at the perimeter of a Future Land Use Map Commerce Corridor area, uses that are lower in intensity and scale to ensure minimal impact to adjacent properties is required.

From an urban design standpoint, the most critical element in creating a visually appealing Commerce Corridor is the enforcement of appropriate development standards to ensure adequate site plans and landscaping. Buffers are critical between incompatible uses and guidelines that address signage and lighting will help to mitigate the negative impacts of a high concentration of commercial uses. While Lumpkin County is focused on attracting only clean industries to the area, such establishments still require large warehouse buildings and vast amounts of parking and loading/unloading areas that be screened from view. In addition, certain commercial uses such as car dealerships require careful site planning to minimize curb cuts and reduce the perception of parking as the primary use.

504 (b) **Preferred Land Use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the Commerce Corridor character area.

Land Uses Encouraged	Land Uses Discouraged
Heavy Commercial, such as: Car, Boat, and Manufactured Home Sales Truck Stops, repair and service Heavy Auto Repair Building Contractors w/outdoor Storage Lumber yards Neighborhood & Community Commercial within planned centers Light Industrial Distribution, Warehousing and Wholesale Heavy Manufacturing*	Residential Uses Pedestrian Oriented Commercial, except within Planned Centers Intensive Industrial Uses
*See Error! Reference source not found. and Chapter 6 for individual requirements.	

504 (c) **Development Standards.**

Whenever possible, uses within this corridor shall be developed as planned business and industrial park developments that coordinate overall site planning and uses. The following minimum development standards shall be addressed as part of the overall development:

(1) Site Design.

- a. Building materials and colors shall be harmonious and compatible with colors of other buildings within the Corridor.
- b. Buildings located on out-parcels shall be constructed of the same primary building materials as the principal building with which they are associated.

- c. All uses requiring outside sales, including, but not limited to automotive, boat and trailer sales, service lease or rental shall meet the following conditions:
 - 1. Such uses shall require a minimum of 2 acres.
 - 2. All vehicle servicing and repair shall be carried out entirely within enclosed buildings.
- d. Outdoor Storage Use.

The outdoor storage of inoperative objects such as automobiles, machinery, equipment, appliances, used building materials, trash, solid waste, shall be limited to lawfully established junkyards. However, in those cases where a commercial enterprise requires the outdoor storage, the following shall apply.

 - 1. Outside storage shall be enclosed by an opaque fence or wall not less than 8 feet in height, which provides visual screening. Landscaping that achieves visual screening may also be used.
 - 2.
 - 3. Such use shall be located at least 100 feet from any residentially used property line.

(2) Access and Internal Circulation.

- a. All properties must be accessed from an arterial road.
- b. Service functions (e.g. deliveries, maintenance activities, etc.) shall be integrated into the circulation patterns in a manner that minimizes conflicts with vehicles and pedestrians.
- c. Access for service vehicles, trash collection and storage areas shall be located away from pedestrian areas on a portion of the site not readily visible from the traveled way, and located at least 100 feet from any property line adjacent to a residential use.

(3) Landscaping and Buffer Requirements.

- a. Facility shall be located 50 feet from the right-of-way.
- b. A 100-foot buffer is required along the side and rear property lines that adjoin a residentially used property; or a 75 foot buffer for any other uses located on the perimeter of the corridor as outlined within the Landscaping and Tree Conservation Chapter.
- c. A 50-foot front landscape strip is required.
- d. Parking Lot and Loading Area Landscaping is required for any parking lot accommodating more than 10 vehicles.

Sec. 505 Gateway Corridor**505 (a) Description of Overall Character and Intent.**

Several major road corridors are considered to be scenic rural vistas: State Route 400, State Route 60, State route 52 and Long Branch Road. To maintain the rural and scenic vistas as the gateway into the County and City of Dahlonega portions of these corridors require special treatment to assure proper development. From an urban design standpoint, the most critical element in creating a visually appealing gateway corridor is the enforcement of appropriate development standards to ensure adequate site plans and landscaping, and the appropriate siting of developments into the natural landscape. Buffers are critical between incompatible uses and guidelines that address signage and lighting will help to mitigate the negative impacts of a high concentration of commercial uses. Vast amounts of parking and loading/unloading areas shall be screened from view. Where possible the parking areas shall be distributed to two or more sides of the business to “visually scale down” the size of the parking lot. Inter-parcel access between sites shall be used whenever possible. Grouping or “clustering” of shops with co-mingled parking, landscaping and pedestrian areas is encouraged.

505 (b) Guiding Principles.

The overall intent of the Gateway Corridor is to encourage a high quality and appearance of building design and landscaping that will enhance and be compatible with the character of the surrounding area. The following guiding principles were used to guide the development of the Gateway Corridor:

- a. Provide for locations of higher intensity, large scale commercial and employment opportunities that require major road access and visibility to serve the economic and future financial success of the county.
- b. To aid in preventing traffic congestion, hazardous traffic patterns and the efficient use of community facilities.
- c. To guide and facilitate development that preserves and enhances the natural beauty of Lumpkin County, and particularly the main roadway and traffic corridor leading into the County and the City of Dahlonega.
- d. To balance the opportunities to develop trade, tourism and commerce with the need to preserve the unique natural and historic resources and residential population of the county.

505 (c) Preferred Land Use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the Gateway Corridor.

Land Uses Encouraged	Land Uses Discouraged
Large Commercial Uses, such as regional retailers Office Parks and Buildings Corporate offices High technology uses Campus style light industrial High density and mixed use housing	Adult entertainment establishments Automotive, truck, boat and manufactured home sales and service Heavy Automotive Repair* Truck Stops* Heavy Manufacturing*

Neighborhood & Community Commercial Distribution, Warehousing and Wholesale	Intensive Industrial Uses*
*See See Error! Reference source not found. and Chapter 6 , for individual requirements.	

505 (d) **Development Standards.**

Whenever possible, uses within this corridor shall be developed as business and industrial park developments. The following minimum development standards shall be addressed as part of the overall development for any property located within the Gateway Corridor:

(1) Site Design.

The building design and landscaping of any new development shall be of a high quality and of an appearance that will enhance and be compatible with the intent of this character area..

- a. Site design shall incorporate existing topography and natural character into the overall design of the project, minimizing cut and fill opportunities.
- b. The creation of public plazas, courtyards, and public assembly areas scaled appropriately to the size and location of the project are encouraged.
- c. Retaining Walls.

The height and length of retaining wall shall be minimized and screened with appropriate landscaping.

1. Tall, smooth faced concrete retaining walls are prohibited—walls visible from the roadway shall be faced with brick, stone, modular block, or other architectural treatment.
2. Terracing and multi-tiered walls shall be considered as an alternative to the use of tall or prominent retaining walls, particularly in highly visible areas on hillsides.

(2) Architectural Standards.

- a. Roof mounted or ground mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.
- b. Building colors and materials shall be harmonious and compatible with colors of other buildings within the corridor.
- c. Accessory buildings, buildings located on out-parcels, and other structures located on the property shall be constructed of the same primary building materials as allowed for principle buildings with which they are associated.
- d. All sides of a building that are visible from a road shall be finished with a primary building material (i.e., brick, stone, textured block, natural wood, wood shakes and/or cement based artificial wood siding, split-face aggregate block or cut aggregate block, high grade stucco and Exterior Finished Insulated System (EFIS) siding). Metal siding is prohibited.
- e. Flat roofs and shed roofs shall not be allowed on any one-story buildings less than 10,000 square feet.

- f. All principal building must present a front façade and building entrance to the public right-of-way..
 - g. All garage bay doors shall be oriented away from the public right of way to either the side or rear of the building, or landscaped to screen the view from other properties or the public right of way.
 - h. Outside Storage.
 - 1. All outside storage and the parking of vehicles waiting to be serviced or repaired shall be located to the rear or side of the building, kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence at least 6 feet high or landscaping.
 - 2. All vehicles awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.
 - i. Land uses, process, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, glare , smoke, noise or vibration.
 - j. Accessory outdoor dining is permitted as long as they do not inhibit pedestrian circulation. A minimum of 5 feet of sidewalk width is retained.
- (3) Access and Internal Circulation.
- a. New development and the expansion or redevelopment of any existing use will require the provision of inter-parcel access as described in Section 706 (d)(3).
 - b. For any office or retail sales or service use, the property owner shall grant an access easement to each adjoining property that is located within the corridor.
 - c. Parking be located to the side or rear of buildings whenever possible.
 - d. Sidewalks or pedestrian pathways are required to provide linkages to individual buildings, neighboring properties and parking. Where pedestrian circulation crosses vehicular routes, a change in grade, materials textures or color be provided to emphasize the conflict point and improve its visibility and safety. Brick pavers and other special paving materials and overhead features are encouraged to distinguish pedestrian walkway surface and areas.
 - e. Internal linkages and access shall be integrated into the total project design, including the development of public plazas, courtyards and public assembly areas scaled appropriately to the size and location of the project.
- (4) Buffer and Landscaping.
- a. All buildings shall be setback 50 feet from the right of way.
 - b. A 20-foot buffer shall be provided along the rear and side perimeter of the gateway corridor.
 - c. A front yard landscape strip of 30 feet is required.
 - d. Side and rear minimum buffers of 25 feet shall be provided between adjacent incompatible uses.

e.

Chapter 6. Restrictions on Specific Uses

The following development standards apply to specific uses within the county.

Sec. 601 Agricultural Uses.

601 (a) Large animal hospitals and veterinary clinics.

All structures shall be located and activities conducted at least 200 feet from any structure used for residential purposes.

601 (b) Livestock Sales.

- (1) Livestock sales pavilions or auction facilities, including show rings or other areas for the display, exhibition, training or sale of livestock, shall not have any animal quarters located closer than 300 feet from the property line.
- (2) Parking areas shall be setback 25 feet from any residentially used property line.

Sec. 602 Timbering and forestry.

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity.

602 (a) Bona fide agricultural activity.

The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

- (1) The tract must be under an approved forestry management plan.
- (2) The Lumpkin County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment.
- (3) A tree-harvesting notification and bond have been submitted to the Tax Commissioner, as required by State law.
- (4) There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company.
- (5) Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission.
- (6) The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.

602 (b) Restriction on development approval of recently cleared land.

A preliminary plat for any type of subdivision or a site plan for any type of multi-family or nonresidential development shall not be approved if any portion of the property has been cleared of trees within 3 years prior to such approval request. This restriction may be waived by the Board of Commissioners upon a finding that:

- (1) The tree removal occurred as a bona fide agricultural activity; and,

- (2) A minimum basal area of at least 50 square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester; or,
- (3) The trees that were cleared were for the personal use of the property owner; or
- (4) The tree clearance occurred upon the advice of the County Extension Agent or the Georgia Forestry Commission to curtail the spread of infestation of disease

Sec. 603 Commercial, neighborhood.

603 (a) Light automotive repair.

An indoor repair establishment for performing light automotive and small truck repairs such as brakes, oil changes lubrication, transmission belts, hoses, inspections and similar maintenance and repair activities (including tune-up-s) is subject to the following restrictions:

- (1) No outside storage of parts or non-operable vehicles except within a screened area.
- (2) Buildings shall not exceed 6,000 square feet in floor area.
- (3) An emissions or auto inspection station may be an accessory use to a light auto repair facility, provided that it is contained within a fully enclosed structure.

603 (b) Gasoline stations and convenience stores with fuel pumps.

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with the requirements of this Section.

- (1) General requirements.
 - a. Facilities shall not be within 100 feet of any residential property line or 100 feet from any school, playground, church, hospital, public library or institution for children or dependents.
 - b. A vehicle access drive shall be not more than 40 feet wide as measured at its narrowest point parallel to the street, and shall not be located closer than 10 feet to an adjoining property or 40 feet from a street intersection.
 - c. There shall not be more than 2 driveways along a single street, which must be separated by at least 100 feet.
 - d. All operations except for the sale of gasoline or diesel fuel shall be conducted in an enclosed building.

Sec. 604 Commercial, Community.

604 (a) Automotive body, paint, interior and glass repair shops.

- (1) This use shall not be permitted within 200 feet of any property line of a residentially used property or any school, park, church, playground, library or hospital.
- (2) All activities shall be carried on entirely within an enclosed building.
- (3) All outdoor storage shall be located in the side or rear yards and shall be screened from the street and neighboring properties by an opaque fence or landscaping..

604 (b) Day care center.

- (1) Outdoor play areas shall be provided in the rear or side yards shall be enclosed by a solid hedge, wall or fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.
- (2) Day care centers shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.
- (3) A day care center operated as a principal or accessory use shall comply with all of the property development and performance standards for the character area in which it is located, and shall not be located within 300 feet of any other day care center facility or group day care facility.

604 (c) Hotels and Motels.

- (1) Any hotel or motel with over 25 rooms shall be considered a Community Commercial use and shall be regulated as such within each character area.

604 (d) Small places of assembly.

Churches, lodges or other structures built to hold 40 to 499 persons shall meet the following minimum requirements:

- (1) Development Requirements.
 - a. Minimum site area of 2 acres.
 - b. Structures associated with said use to be located a minimum of 50 feet from any property line.
 - c. When abutting any property occupied by a residence, a minimum 35-foot wide buffer shall be required.
 - d. Outside of village centers or corridors, access shall be derived directly from a paved public road.
 - e. Any place of assembly that holds more than 500 people shall be subject to additional restrictions under "Large Place of Assembly."

Sec. 605 Commercial, intensive.**605 (a) Freestanding parking garages, primary or accessory use.**

- (1) When abutting any residentially used property line, free standing parking garages shall not be located within any required building setback for a principal building within the character area, if no setback is required, the any parking garage must be located 25 feet from any property line.
- (2) When abutting other non-residentially property, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.

605 (b) Large Places of Assembly.

Any facility that holds over 500 persons, such as convention centers, gymnasiums or church facilities would be required to meet the following:

- (1) Traffic and parking plan to be approved by the County Engineer.

- (2) Hours of operation other than 7 am to 11 pm shall be approved by the Planning Commission.
- (3)
- (4) Minimum site area of 10 acres.
- (5) A minimum 1,000-foot setback from any residentially used property line .

605 (c) **Outdoor Recreation.**

The following restrictions shall apply to large outdoor recreational uses, such as golf or baseball driving ranges, go-car concessions, private recreation centers, or any other such use that fits the intent of this section in the opinion of the Planning Director.

- (1) Ingress and egress from a public street shall be designed and constructed as to provide for safe traffic movement.
- (2) Parking areas must be a minimum of 25 feet from any property line.
- (3) The property shall be enclosed by a security fence of not less than 6 feet in height along side and rear property lines. Such fence shall be opaque adjacent to any residentially used property.
- (4) For uses that present potential safety hazards, such as golf or baseball driving ranges, additional screening or fencing requirements may be required by the Planning Director.
- (5) All building structures shall be 200 feet from any non-residentially used or vacant property line, and 500 feet from any residentially used property line.
- (6) A 100-foot buffer shall be provided.

605 (d) **Private ambulance and emergency medical services.**

- (1) A SLUA is required for this use as a primary of accessory use.
- (2) These uses shall be permitted only on property with frontage on an arterial or collector with access limited to that arterial or collector.
- (3) The owner of the business shall bear all costs for traffic signs and signals necessary to advise the motoring public of emergency vehicle access.

605 (e) **Sawmills, permanent, temporary or portable.**

- (1) Temporary or portable sawmills may be operated for a maximum period of six months, and only for timber removed from the property on which it is located.
- (2) Any sawmill must be setback 300 feet from the property line of any residentially used property.

605 (f) **Self service storage, mini-warehouses.**

Minimum standards for the use, site development, construction, and placement of self-service storage facilities and mini-warehouses shall be as follows:

- (1) No wholesale or retail sales shall be permitted, except for incidental sales of moving supplies.
- (2) As a principal use, a self-storage facility shall not occupy a site larger than 10 acres, as an accessory use, the facility shall not occupy more than 5 acres.

- (3) Garage bays shall be oriented away from the public right of way whenever possible.
- (4) An opaque buffer shall be provided around the entire property. As outlined in the Landscaping Chapter, this buffer may be of opaque fencing of at least 8 feet or landscaping that satisfies the opaqueness of this requirement.
- (5) A landscape strip of at least 20 feet in width shall be provided along all street frontages.
- (6) Open storage of recreational vehicles and dry storage of pleasure boats shall be screened from adjacent properties and the street.
 - a. Landscaping shall be provided in areas between the property lines and the required fencing. This area shall be designated as a perimeter landscape strip. Landscaping shall be designed, placed, and maintained in such a manner as not to interfere with traffic visibility.
 - 1.
 - b. .

605 (g) **Truck Stops.**

- (1) No building structure shall be within 100 feet of any residentially used property line or a school, playground, church, hospital, public library or institution for children or dependents.
- (2) The site shall front at least 120 feet on a major collector or arterial street and have a minimum lot area of 2 acres.
- (3) All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.
- (4) No major repairs such as engine overhaul, transmission and differential repairs; body and fender work and other repairs of similar nature shall be performed on site.
- (5) No outside storage of parts or non-operable vehicles is permitted.
- (6) Truck parking area must be at least 300 feet from any residentially used property line and separated from adjoining residential property by a 200-foot wide buffer.

Sec. 606 Industrial, Intensive.

All intensive industrial uses are subject to a Special Land Use Approval (SLUA), pursuant to Sec. 902 of this Code in addition to the following restrictions.

606 (a) **Heavy Industrial.**

Any use that is considered an “environmentally hazardous,” use under Sec. 406 of this Code requires a land use permit as outlined within this code.

- (1) Use restrictions.
 - a. Compliance with all applicable federal and state laws.
 - b. All necessary federal and state permits are obtained.

- c. Noise abatement and air pollution abatement plans are to be provided as part of the SLUA application.

606 (b) Salvage, junk and wrecking yards.

Vehicle or other salvage and wrecking yards, and junkyards, are subject to the following requirements:

- (1) The use shall be enclosed by an opaque fence (including chain link with interwoven solid strips, or adequate landscaping) or wall not less than 8 feet in height, which provides visual screening. Such fence or wall shall be setback 20 feet off the property line to provide for landscaping.
- (2) A landscaping plan must be submitted as part of the SLUA application. At a minimum the use shall provide a 20 foot landscaped strip between any property line and the required fencing.
- (3) No such activity may be conducted within 100 feet of any property line or within 300 feet of any residentially used property line.
- (4) Burning shall be prohibited;
- (5) There shall be adequate drainage with no slope more than 5 percent in grade. The site shall be adequately maintained to prevent rodent and vermin infestation, and meet EPA specifications in regard to contamination;
- (6) Junk vehicles shall not be stacked or layered as to endanger public health and welfare; and
- (7) The minimum areas for a junkyard shall be 10 acres and the maximum area shall be 25 acres.

Sec. 607 Asphalt plants and concrete plants.

Asphalt plants, temporary batch plants and concrete plants are subject to the following minimum standards:

607 (a) Use restrictions.

- (1) Compliance with all applicable federal and state laws.
- (2) All necessary federal and state permits are obtained.
- (3) No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays or any legal County holiday. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the mutual concurrence of the Director of Planning and Development and the County Administrator.
- (4) Noise abatement and air pollution abatement plans to be approved by the Board of Commissioners.

607 (b) Site requirements.

- (1) Minimum acreage to be 5 acres unless located on the property of an active quarry.

- (2) A 1,000-foot setback is required at the time of erection from any residentially used structure, place of worship or school. Mixing shall be a sealed process.

607 (c) **Quarries or mining operations.**

This section is specifically intended to address the mining, extraction, crushing, and quarrying, as appropriate, of sand, rock, precious metals, and other minerals or elements removed from the earth.

607 (d) **Use Permit Required.**

Quarries and open pit mines, and soil or sand removal or extraction operations, require special land use approval by the Planning Commission.

(1) Restrictions.

- a. All trucks shall use adequate covers to minimize dust emissions and escape of loose gravel.
- b. A 6 foot fence shall enclose the property. . Gates shall be provided at all points of vehicular or pedestrian ingress and egress and shall be locked when not in regular use.
- c. Area being excavated for stone mining and quarrying shall be entirely closed within a barrier fence of at least 4 feet high located at least 10 feet back from the edge of any excavation and such construction and height as to be demonstrably able to exclude children and animals from the quarry area. For other mining operations covered by this section, the excavation area shall be surrounded by earthen berms of at least 4 feet in height covered with thorny shrubs.
- d. No bare ground is to be disturbed as part of surface mining operations or any ancillary asphalt and concrete production activities and left exposed to view any longer than is reasonably necessary to revegetate.
- e. No operation is permitted between the hours of 7:00 pm and 7:00 am, during the months of November, December, January, February and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, or any legal County holiday. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the mutual concurrence of the Director of Planning and Development and the County Administrator.
- f. All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and stated hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.
- g. A noise study shall be provided to the County that provides all equivalent sound levels at the boundaries of the property. Sound levels shall not exceed 60 dba for projects adjacent to residentially used properties, noise sensitive or public areas; 70 dba for projects adjacent to commercial and convention areas; 75 dba for projects adjacent to industrial areas. These measurements are in accordance with the standards promulgated by the American National

This section has been revised in accordance with conditions set forth by Long Beach Quarry comments on the proposed stone processing facility.

Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.

- h. The operator will give noise abatement a high priority through the use of berm construction, tree plantings, recessed plant design, equipment selection, stockpile placement, employee training and operating practices.
 - i. Ground vibration levels shall not exceed at any time at any point within 100 feet of any now existing dwelling unit not on the Quarry Property .50 inches/second peak particle velocity for frequencies below 40 Hz and 2.00 inches/second for frequencies equal to and greater than 40 Hz except that if the measured ground vibration level continuously exceeds .50 inches/second particle velocity after a period of 1 second following the maximum particle velocity, the charges weight per delay shall be reduced so that the particle velocity does not exceed .50 inches/second.
 - j. To minimize dust generated by blasting, all blasting shall be conducted when the wind velocity, as measured by the Quarry anemometer located on the scale house at a height of at least 25 feet above ground level, is less than 10 miles per hour based on a reading no more than 5 minutes preceding the blast and on the fact that the highest peak wind velocity as measured by the Quarry anemometer over the 10 minutes immediately preceding the 5 minute period just described above was less than 20 miles per hour.
 - k. All blasting shall occur between 9 am and 2 pm, local time Monday through Fridays, excluding state and federal holidays.
 - l. Millisecond-delay blasting shall be used to decrease the vibration levels from blasting.
 - m. All gravel and pit access roads shall be maintained in accordance with state issued air quality permits.
 - n. For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties to the extent there are wells with potable water within 1,000 feet of the excavation area.
 - o. Notices shall be posed at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.
- (2) Distance requirements.
- a. Soil or sand removal or extraction operations.
 - 1. Such uses shall not be established within 500 feet of a residentially used property or 200 feet of any other structure.
 - b. Quarries and open pit mines.
 - 1. The operation and removal area of such uses shall not be established within 2,500 feet of a residentially used property and within 500 feet of any other use.

(3) State permits.

A copy of the State permit approval shall be maintained on file with the Planning & Development Department.

607 (e) **Waste handling or disposal.**

The following shall apply to all waste handling or disposal facilities:

- (1) A 3 foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6 foot high, 100 percent opaque, solid wooden fence or masonry wall shall be constructed around the entire perimeter of the facility.
- (2) The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.
- (3) Materials recovery center.

- a. The facility must be set back a minimum of 1,000 feet from any residentially used property and 500 feet from any non residentially used property.
- b. All activities must be conducted in a fully enclosed building; no outside storage of materials.
- c. The maximum height of any facility shall be 70 feet from the pre-existing grade.

(4) Wood chipping/shredding and yard trimming composting facilities.

Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.

(5) Landfills, sanitary.

- a.
- b. No bio-medical or hazardous wastes as defined by federal and state laws shall be disposed or discharged into the landfill site.
- c. No garbage shall be disposed of within 2,000 feet of any property line or public right-of-way.
- d. The location of the sanitary landfill shall be determined by on-site testing or from reliable survey data to indicate soil conditions, water table and subsurface characteristics so as to prevent any drainage or leaching from the sanitary landfill into surface or ground waters. The landfill shall be fully lined and provided with leachate control.
- e. Supplemental insect and rodent control measures shall be instituted by the person responsible for the operation of the disposal area when considered necessary by the Lumpkin County Health Department. No animals may be permitted to feed within the disposal area.
- f. Dead animals shall be placed into the body of the fill, or their designated areas approved by the Lumpkin County Health Department upon arrival at the disposal site and covered immediately.

- g. A separate vehicle unloading area may be used for the landfilling of bulky materials such as tree trunks, tree stumps, oil drums, discarded furniture, appliances and automobiles, which do not contain garbage, putrescible waste or hazardous waste.
- h. Truck traffic routes and entrances to the facility shall be approved by the County Engineer. All weather access roads shall be provided.
- i. The sanitary landfill site must be accessible without traveling over residential streets.
- j. All sanitary landfills shall have an operator in attendance at all times when the landfill is in use, and such landfill must be barricaded when closed to the public.
- k. Storm sewers shall accommodate any changes in the normal drainage of the property.
- l. All solid waste must be compacted. All operators of sanitary landfills must pack and cover daily all materials placed that day with at least 6 inches of earth in such a manner as to prevent fires and meet any and all other requirements of the Fire Code. All completed landfills must be covered with at least 2 feet of earth. Burning of any kind of refuse is prohibited.
- m. Fire Control.

At least one of the following methods shall be provided to control fires:

- 1. Access to a supply of water at the sanitary landfill site.
- 2. Access to an organized fire department which will provide service upon call; or
- 3. Maintain a stockpile of earth adjacent to the working face of the fill.

(6) Bury pits.

- a. The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a Certificate of Occupancy for the structure.
- b. The disposal of domestic garbage or trash and the disposal of commercial and industrial waste products shall only be allowed in a sanitary landfill or as otherwise permitted or required by the County Health Department and in compliance with all applicable state and federal laws.

Sec. 608 Institutional Uses.

608 (a) Cemeteries, mausoleums and crematories.

(1) New cemeteries.

Cemeteries for human or animal interment are required to meet the following minimum requirements:

- a. Minimum lot size of 20 acres, except for church cemeteries or family plots that shall have at least 5 acres devoted to such use.

- b. All graves or burial lots shall be set back not less than 50 feet from any property line or street right-of-way lines.
- (2) Crematories use must meet the following requirements:
 - a. This use may not abut any residentially used property line.
- (3) Existing cemeteries.

Any cemetery or place of burial recognized by the Lumpkin County Tax Commissioner as tax exempt (under O.C.G.A. 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. 36-72-1 *et seq.*). State law currently defines "burial ground" and "cemetery" as follows:

 - a. "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set-aside for burial purposes.
 - b. "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

608 (b) **Schools; primary and secondary.**

Private schools of general and special education are subject to following minimum requirements:

- (1) Minimum lot size of 5 acres.
- (2) Access shall be provided by a public paved road.
- (3) Temporary mobile classrooms require a special land use approval.

Sec. 609 Residentially Based Uses.

Sec. 610 "Cottage industries".

Cottage industries are defined as small stand-alone structures that are the primary use of a property, or small business that are conducted in part of a residential dwelling. These industries have been set apart as a specific use due to the County heritage of "cottage industries" and the tourist nature of the County. The main difference between this use and "residential business" is the intensity and size of the use.. Most uses are tourist, service and retail in nature, such as group daycare, craft retail sales, or professional services.. Such uses are subject to the following requirements

- (1) All cottage industries structures must be setback 50 feet from any property line.
- (2) No materials, equipment, or business vehicles may be stored or parked on the premises except that 1 business vehicle with a gross cargo weight of less than 9,000 pounds used exclusively by the resident may be parked in a paved driveway or other paved parking area, carport, garage, or rear yard. This shall not include a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

- (3) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
- (4) Business must not operate before 7 am and after 7 pm.
- (5) Proper access, parking and circulation must be provided for safety reasons.
- (6) Signage must meet all requirements as outlined in the signage chapter.

610 (b) **Guesthouses and accessory apartments.**

Guesthouses and accessory apartments are encouraged in all character areas to provide a source of relative and/or affordable housing.

- (1) The guest house/accessory unit must be an accessory use to a dwelling already existing on the lot.
- (2) The water supply and sanitary sewage disposal system for the lot must be approved by the Health Department as adequate to support the guesthouse in combination with the main house.
- (3) Guest Houses and accessory units must be architecturally compatible with the main unit.
- (4) The floor area of the guesthouse or accessory unit shall not exceed 50% of the existing living area of the principal residence.
- (5) Access shall be provided by the principle use driveway. Adequate parking shall be provided.
- (6) Manufactured housing shall not be considered a guest house or accessory apartment.

610 (c) **Personal care homes.**

- (1) General restrictions.
 - a. A personal care home of any type (family, group or congregate) shall be at least 1,000 feet from any other personal care home (of any type).
 - b. A personal care home shall not function as a work release facility for convicts or ex-convicts, or function as a drug rehabilitation center, or function as a facility serving as an alternative to incarceration. These personal care homes shall only be allowed only within commercial villages and corridors, due to public safety issues.
 - c. Family and group personal care homes shall be treated as a residential use in terms of buffers and setbacks.
 - d. Congregate personal care homes shall be treated as a "neighborhood commercial use."
- (2) Categories of personal care homes.
 - a. Family personal care home.
 - A family personal care home is limited to no more than 6 persons under care.
 - b. Group personal care home.

The 1,000-foot restriction is primarily to limit overwhelming intrusion into a subdivision. In addition personal care home providers have requested this restriction in the past, so that each group home "fits" better into its surroundings.

A group personal care home is limited no more than 15 persons under care.

c. Congregate personal care home.

A congregate personal care home may provide care to more than 15 persons.

d. Resident managers.

(3) Managing Caregiver.

a. The managing caregiver of a family personal care home must be the owner of the property and a full-time resident of the facility.

b. The managing caregiver of a group personal care home must be a full-time resident of the facility.

610 (d) **Recreational vehicle and travel trailer parks.**

(1) Direct access shall be provided by an arterial road.

(2) Rental spaces shall not be within 50 feet of the right-of-way line of any freeway, expressway, or street.

(3) Accessory uses and related parking shall be a maximum of 10% of the area of the park, and shall be for the use and benefit of park guests;

610 (e) **B&Bs, Lodges and inns.**

(1) To be considered a residential use, no more than 25 rooms shall be allowed.

(2) Access shall be provided from a public road other than a local subdivision road.

(3) Maximum length of stay shall not exceed 14 days.

(4) Must meet the minimum acreage requirements of the specific character area.

(5) No parking area for guests is to be located closer than 25 feet to any residential property line.

(6) Any retail activity, such as a restaurant or gift store that is open to the general public shall meet the specific requirements listed for that use.

Sec. 611 Utility Structures.

Utility structures, not including underground vaults, small utility boxes, etc. serving more than one lot, such as electric transformer stations, telephone exchanges, telephone towers, gas regulator stations, water and wastewater pumping stations, and water tanks, may be located in any character area as necessary to serve the public interest, provided such facilities comply with the following requirements:

(1)

(2) The facility shall be completely surrounded by a security fence at least 8 feet high.

(3) When located in any residential district, the facility shall be furnished with a planted buffer not less than 10 feet wide to create an effective visual screen on all sides bordering residential property.

(4) The facility may not be used for permanent office space, storage space, or for the storage of vehicles.

Chapter 7. Parking and Loading Requirements

This Chapter presents the minimum standards for vehicle parking for all land uses in the county, including design and construction standards, and for commercial vehicle loading areas.

Sec. 701 Definitions related to parking and loading.

Parking Lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Parking Aisle: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Parking Lot Island: A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.

Sec. 702 Off-street parking; when required.

Permanent off-street parking spaces shall be provided in accordance with the requirements of this Chapter whenever any of the following occurs:

- (1) At the time of the establishment of any use, or erection of any building.
- (2) At the time of occupancy of a building by a new use.
- (3) At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

Sec. 703 Number of parking spaces required.

703 (a) Parking for residents, employees, customers and visitors.

Space for the parking of motor vehicles must be provided on every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use.

- (1) Minimum number of parking spaces required.

The minimum number of off-street parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined by the Table 7.1, rounded up to the nearest whole parking space. Developments containing two or more of the uses listed on Table 7.1 shall provide the number of spaces required for each use.

- (2) Maximum number of parking spaces allowed.

The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 120% of the minimum number

of parking spaces required, as determined for the type of land use by the following Table 7.1.

(3) Reduction in minimum required spaces.

The minimum number of parking spaces required under Section 703 (a)(1) may be reduced by 20% for those parking spaces provided in parking lots located in a side or rear yard of a property (as defined in this Code).

703 (b) **Parking for company-owned vehicles not included.**

Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

Table Error! Reference source not found..1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
a. RESIDENTIAL		
1. Single-Family Residence	2	Dwelling Unit
2. Two-Family Residence	2	Dwelling Unit
3. Multi-Family Residence:		
(a) Efficiency apartment	1	Dwelling Unit
(b) 1-bedroom unit or larger	2	Dwelling Unit
(c) Mobile Home Park	2	Per Unit
4. Retirement Community	1	Dwelling Unit
5. Membership Dwellings, Personal Care Homes, Nursing Homes	1	2 residents or beds
6. Bed & Breakfast, Rooming House, Boarding House	1	Room to be rented
7. Hotel or Motel:		
(a) Convention hotel, or a motel with a restaurant or lounge.	1½	Room
(b) Non-convention hotel or a motel with no restaurant	1	Room
b. COMMERCIAL		
1. Offices: general and professional offices, insurance and real estate offices	3½	1,000 sf ¹ of GFA ²
2. Banks	4½	1,000 sf of GFA
3. Offices - Medical & Dental	5	1,000 sf of GFA

¹ Square feet.

² Gross floor area—the total area of all floors, measured between the exterior walls of a building.

Table Error! Reference source not found..1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
4. Funeral Home	35	Viewing Room
5. Daycare Center	1	400 sf of GFA
6. Movie Theater	1	4 Seats
7. Service Station, Gas Station, Auto Repair Shop or Garage	3	Service bay, plus
	5	1,000 sf of retail space
8. Automobile, Truck, Recreation Vehicle, Manu- factured Home or Utility Structure Sales	2	1,000 sf of indoor sales area, plus
	1	2,500 sf of outdoor display, plus
	3	Service bay
9. Custom Service Restaurant: ³		
(a) Fine dining restaurant	16	1,000 sf of GFA
(b) Family Restaurant	9½	1,000 sf of GFA
10. Fast Food Restaurant	14	1,000 sf of GFA
11. Bowling Center	4	Lane
12. Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	6	1,000 sf of GFA
13. Health Club or Fitness Center	4½	1,000 sf of GFA
14. Shopping Centers:		
(a) Less than 100,000 sf of GLA ⁴	4	1,000 sf of total GLA, plus
	3	100 movie theater seats, plus
	10	1,000 sf of food service area
(b) 100,000-199,999 sf of GLA	4	1,000 sf of total GLA, plus
	3	100 theater seats over 450, plus
	6	1,000 sf of food service area
(c) 200,000-399,999 sf of GLA	4	1,000 sf of total GLA, plus
	3	100 theater seats over 750
(d) 400,000-599,000 sf of GLA	4½	1,000 sf of total GLA, plus
	3	100 theater seats over 750
(e) 600,000 or more sf of GLA	5	1,000 sf of total GLA, plus
	3	100 theater seats over 750

³ Defined as follows:

Restaurant, Custom Service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas.

Restaurant, Family: A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than 1 hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Restaurant, Fine Dining: A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of 1 hour or more.

⁴ Gross leasable area—the total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

Table Error! Reference source not found..1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
15. Supermarket	4	1,000 sf of GFA
16. Furniture or Carpet Store	2	1,000 sf of GFA
17. Building Supplies, Brick or Lumber Yard	2	1,000 sf of indoor sales area, plus
	1	2,500 sf of outdoor display
18. Retail Sales or Service establishments not listed above	5	1,000 sf of GFA
c. INDUSTRIAL AND MANUFACTURING		
1. Wholesale, Office-Warehouse	1	200 sf of office space, plus
	1	1,000 sf of storage area
2. Open storage of sand, gravel, petroleum, etc.	1	2,500 sf of outdoor sales area, if any
3. Warehouse, Transfer and Storage	1	600 sf of GFA
4. Warehouse including commercial sales to the public	1	200 sf of sales or office, plus
	1	1,000 sf of storage area
5. Manufacturing	2½	1,000 sf of GFA
d. INSTITUTIONAL AND OTHER		
1. Hospital	1.8	Bed
2. Auditoriums, churches, theatres, stadiums, and other places of assembly	1	4 seats, or
	1	12 feet of pew, or
	1	100 sf in the largest assembly room
3. College (instructional space)	10	Classroom
4. Technical College, Trade School	10	Classroom
5. Senior High Schools	6	Classroom
6. Elementary & Jr. High Schools	2	Classroom
7. Library or museum	2	1,000 sf of GFA
8. Civic Clubs, Museums, Fraternal Lodges, etc.	1	200 sf of GFA

703 (c) Handicap accessible parking spaces.

- (1)
- (2) Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this Chapter.
- (3) Handicap accessible parking spaces are required to meet the standards of the Georgia Accessibility Code.
- (4)
- (5) Wheelchair ramps shall be provided at locations appropriate to normal travel routes from the parking lot to the principal use.
- (6)

703 (d) Dedication to parking use.

- (1) Parking spaces provided to meet the minimum requirements of this Chapter, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.
- (2) Parking spaces provided to meet the minimum requirements of this Chapter shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.

Sec. 704 Shared parking.

The parking spaces provided for separate uses may be combined in one parking lot but the required spaces assigned to each use may not be assigned to another use.

704 (a) Shared parking between day and night users.

One-half of the parking spaces assigned to a church, theater or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

704 (b) Mixed-use developments.**704 (c) Parking spaces may be shared by more than one use if the Director of Planning & Development finds that the total number of spaces will be adequate at the peak hours of the uses they serve. Availability of shared spaces.**

Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

Sec. 705 Proximity of off-street parking spaces to use.**705 (a) Location of parking spaces.**

Parking shall be provided on site, and shall provide pedestrian linkages between the use and the parking area.

Sec. 706 Design requirements for parking lots.

The provisions of this Section apply to all multi-family and non-residential off-street parking spaces and parking areas

706 (a) Orientation to street.

All areas devoted to off-street parking shall be so designed and be of such size or provided with a turnaround or other provisions such that no vehicle is required to back into a public street to obtain access.

706 (b) **Orientation to driveway.**

No parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line.

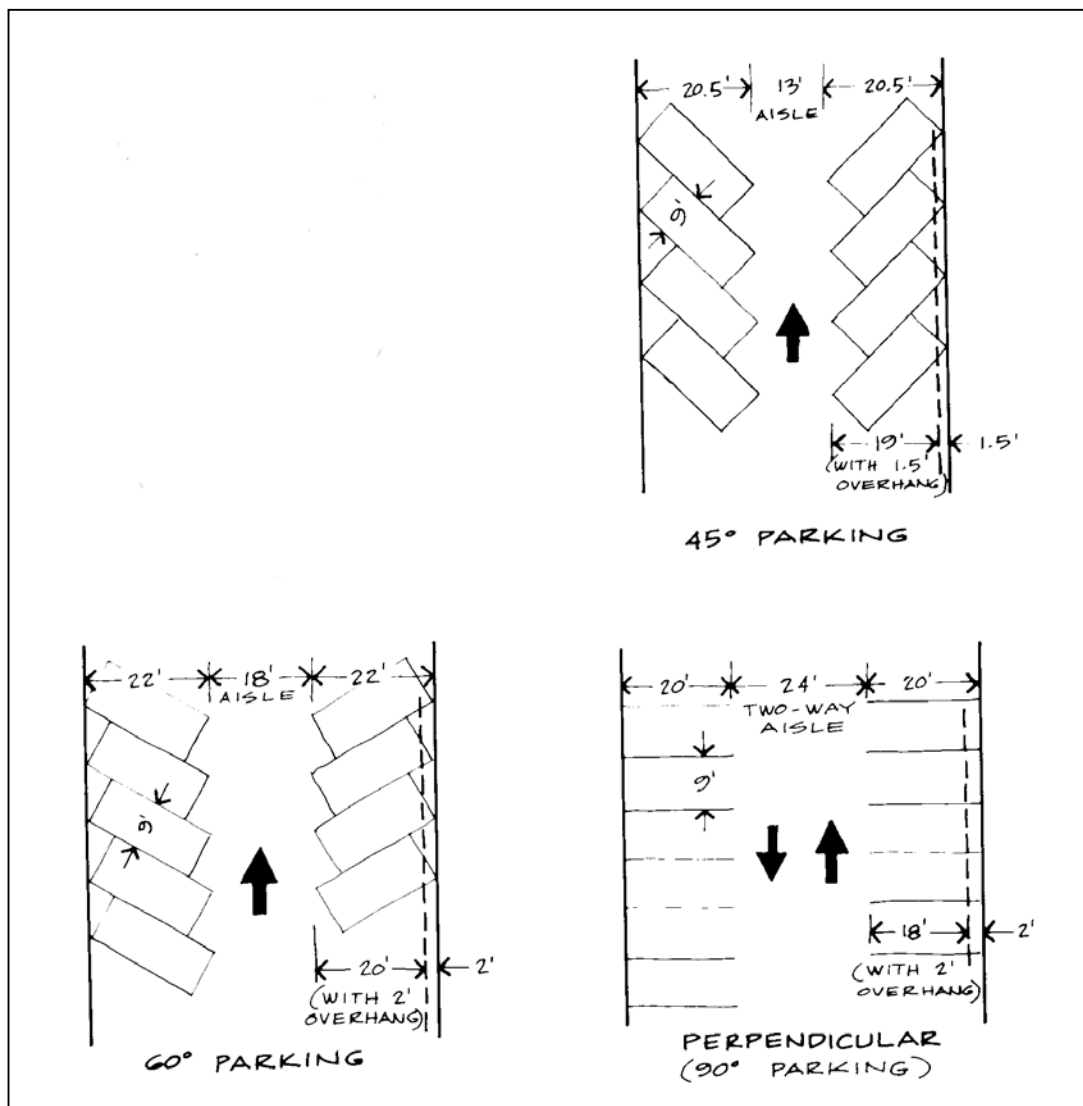
706 (c) **Minimum parking space size.**

Every parking space shall provide a useable rectangular area at least 9 feet wide by 20 feet long. Access aisles shall not encroach into this minimum rectangular area. Every parking space shall be clearly marked..

706 (d) **Access and circulation.**

Parking lots shall be arranged as shown in Figure 7.2.

Figure 7.2: Parking Illustration



- (1) The distance from a parking area access drive to the intersection of two streets shall not be less than 100 feet
- (2) The number of driveways that access a property from any one street, road or highway shall be limited as follows:
 - a. A permit to access a State Road must be obtained from the Georgia Department of Transportation and submitted to the County Engineer before the driveway access can be approved.
 - b. Along State or U.S. numbered highways, and along all other major collector and arterial thoroughfares, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.
 - c. Along all other streets or roads, no more than 2 points of vehicular access from a property to each abutting public road shall be permitted for each 400 feet of lot frontage, or fraction thereof; provided however, that lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The County Engineer shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.
- (3) Inter-parcel access.

Inter-parcel access between parking lots is encouraged. Required parking spaces may be reduced as needed, as provided below.:

- a. Access easement provisions.

The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner's customers and tenants only.

1. Inter-parcel vehicle access shall be required between contiguous properties when the parking areas are or will be in reasonable proximity to one another.
2. All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.
3. The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.
4. The pavement or other surfacing of each owner's driveways and parking areas shall be extended by each owner to the point of access on the property line.

706 (e) Setback requirements.

- (1) Unenclosed off-street parking for single-family and two-family dwellings shall have no setback requirements.

- (2) Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be set back from the front property line by at least 10 feet. An additional 2-foot setback from any buffer required along a side or rear property line shall also be maintained.
- (3) The required setback area between the front property line and the parking area shall be used for landscaping and/or screening as required in the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.

706 (f) **Lighting of parking areas.**

Any lights used to illuminate the parking area shall be arranged, to provide adequate lighting and be located or screened to direct light away from any adjoining residential use. Improvement of parking areas.

706 (g) **Surfacing and curbing.**

- (1) All off-street parking areas for 10 vehicles or more, and their associated access drives and aisles, shall be improved with a permanent load-bearing surface,
- (2) The use of porous pavement as is encouraged where appropriate. All alternative surfaces shall be approved by the County Engineer.
 - a.

706 (h) **Drainage facilities.**

For any use that will require a parking area of 10 spaces or more, or a commercial vehicle loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, storm water drainage plans, including grading plans, shall be submitted to and approved by the County prior to the issuance of a building permit or occupational license.

706 (i) **Time limit.**

All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the occupancy of the use

Sec. 707 Landscaping

All parking lots for 10 or more cars and areas set aside for loading of trucks or vans must provide landscaping as required by the Landscaping, Buffers and Tree Conservation requirements of this Code.

Sec. 708 Commercial vehicle loading.

708 (a) **Off-street commercial vehicle loading; where required.**

- (1) Any business or industrial building, hospital, institution, or hotel shall provide adequate off-street facilities for business loading and unloading., .
- (2) Signs that are required to be placed by law, such as designation of a handicapped parking space, and signs placed by a governmental entity.
- (3)

- a.
- b.
- c.

(4)

Chapter 8. Landscaping, Buffers and Tree Conservation

Sec. 801 Purpose of Chapter 8.

The purpose of this Chapter is to improve the aesthetic qualities of the county and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- (1) Providing standards for the design of landscaping and screening.
- (2) Providing for the separation of incompatible types of land use through the use of buffers.
- (3) Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.

Sec. 802 Landscaping, buffers and tree conservation definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Agricultural Activities: 1. good-faith commercial production from the land or on the land of agricultural products, including horticultural, floricultural, dairy, livestock, poultry, and apiarian products, but not including forestry products (see “Tree harvesting” below); and 2. clearing trees for the purpose of planting crops, providing pasture for livestock, or constructing buildings accessory to production of agricultural products.

Berm: A mound of earth, or the act of pushing earth into a mound.

Buffer: An area of natural vegetation or man-made construction, which is intended to provide a visual and dimensional separation between dissimilar land uses.

- (1) *Natural Buffer:* A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- (2) *Structural Buffer:* A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Caliper: The diameter of a proposed tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Critical Root Zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone (CRZ) will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a 20-inch diameter tree is 20 feet.

Dead Plant or Tree: Any living plant material that has lost 33% or more of its branches or leaves, as determined by the County, shall be considered dead.

Development Site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

Diameter Breast Height (DBH): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Drip Line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Greenway: An area along the course of any river, stream, creek, branch, lake, reservoir, pond, drainage system, spring, well or other body of surface or subsurface water, whether natural or artificial to be maintained in an undisturbed and natural condition. Greenways are established pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, O.C.G.A. 12-7-1 *et seq.*

Ground Cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

Heavily Landscaped Area: An area planted with a combination of shade, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25% of its area covered in turf (seed or sod). The remaining 75% shall contain shade trees (2 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2 ½ inch pot minimum). All plant materials shall be mulched.

Landscape Materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, sand, mulch, pavers, berms, fencing, walls, fountains and other decorative materials.

Landscaping: Landscaping shall consist of shrubs, trees, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Overstory Tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more (Reference *Landscape Plant Materials for Georgia*, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.) Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books).

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Plant Materials: Living plants, such as trees, shrubs, ground cover, grasses and perennial flowering plants, turf, and vines that are suitable for ornamental and/or functional use.

Protected Zone: All lands that fall outside the buildable area of a parcel, all areas of the parcel required to remain in open space, and all designated buffers or tree save areas, and other areas as may be established by conditions of project approval.

Replacement Tree: A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).

Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Director:

- Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
- Masonry walls.
- Plant materials or natural vegetation.
- Earthen berms.

For the purpose of this Code, a screen is opaque to a height of 6 feet above the ground surface or, for a screen of plant materials, has the maximum opacity obtainable with the approved arrangement and species of plant materials, to a height of 6 feet.

Shade Tree: A broadleaf deciduous overstory tree having an average height at maturity of at least 40 feet and having a broad spread relative to its height (excluding trees with columnar crowns) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 10 feet, and typically has one main stem or trunk and many branches.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree Save Area: All areas designated for the purpose of meeting tree density requirements, saving specimen trees, or preserving natural buffers.

Tree Unit Value: A unit of measure used to prescribe the calculated tree coverage on a site. Tree unit values relate to the size of the tree trunk (diameter or caliper). One tree unit is not equivalent to one tree.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Understory Tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of less than 40 feet (,

Calculation of “tree units.”

802 (b) **Use of tree units.**

802 (c) **The landscaping requirements of this Chapter with regard to the preservation or planting of trees is expressed in terms of “tree units” rather than the number of trees. Establishment of tree unit values.**

The diameter of a tree’s trunk establishes the “tree unit” value of an existing tree, as shown on Table **Error! Reference source not found..1** in Sec. 814____

- (1) The values assigned to trees of the same size are different for existing and new trees, as indicated in the table. One “unit” is not the same as one “tree.”
- (2) Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 = 5).
- (3) Existing trees may be counted by DBH category groupings as shown on Table **Error! Reference source not found..1**, and multiplied by the average tree unit value for each grouping. The tree unit value for a tree greater than 20 inches DBH shall be determined by dividing the square of the tree’s diameter at breast height by 100 ($\text{Diameter}^2 \div 100$).

802 (d) **Tree unit values for specimen trees.**

The tree unit values shown on Table **Error! Reference source not found..1** may be increased by 100% for an existing tree that meets the definition of a “specimen tree,” provided that extraordinary measures are taken to protect the tree and assure its survival. Such measures may include but are not limited to the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the County.

DIVISION I. LANDSCAPING OF PROJECTS IN GENERAL.**Sec. 803 Landscaping; where required.**

803 (a) **Residential subdivisions exempt.**

803 (b) **General landscaping requirements under this Division for landscaping of yard areas and for landscape strips do not apply to single and two family dwellings. However, residential subdivisions are not exempt from buffer requirements as contained within this Code and the Subdivision regulations. Multi-family and nonresidential uses.**

Landscaping shall be installed on the property of any multi-family or nonresidential use prior to issuance of a certificate of occupancy. Landscaping shall be provided in accordance with the requirements of this Chapter, which includes the following:

- (1) Within the yard areas of the property, and in landscape strips along the street frontages and side lot lines.
- (2) Within parking lots containing 10 or more parking spaces and between such lots and streets from which they are visible.
- (3) Between a street and a parking lot for company-owned vehicles or a truck loading area.
- (4) As buffers between incompatible land uses.
- (5) As replacement trees for those removed during construction, or as a supplement, in order to achieve the tree conservation requirements of this Chapter.

Sec. 804 Landscaping of yard areas.

Single-family and two-family subdivisions and lots are exempt from the requirements of this Section, provided that the yard areas within each lot within such subdivision are fully grassed (or otherwise landscaped) with sod or turf.

804 (a) **Open yard areas; multi-family and nonresidential sites.**

All portions of a multi-family or nonresidential site not covered with paving or buildings shall be landscaped. Such landscaped areas shall be covered with turf or ground cover or other landscaping materials as defined in this Code. Turf or ground cover utilized on all slopes in excess of 25% (1 foot of rise in 4 feet of run) must be specifically selected to stabilize the slope.

804 (b) **Trash storage containers.**

All exterior trash storage containers on multi-family, commercial or industrial properties shall be screened with a permanent masonry or frame enclosure and a gate so that they are not visible from off the property. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included with the site-landscaping plan.

Sec. 805 Landscape strips along front lot lines.

805 (a) Landscape strips along front lot lines; where required.

A landscape strip shall be provided along the full length of any street frontage of a multi-family or nonresidential development. The minimum width of the frontage landscape strip shall be as required for the Character Area in which the property is located.

805 (b) Location of structures in frontage landscape strip.

Frontage landscape strips shall contain no structures, parking areas, patios, storm-water detention facilities or any other accessory uses except for the following:

- (1) Retaining walls or earthen berms.
- (2) Underground utilities and fire hydrants.
- (3) Driveways required to access the property.
- (4) Signs otherwise permitted by this Code.

805 (c) Landscaping required in frontage landscape strips.

- (1) All portions of a frontage landscape strip shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are covered by permitted structures.
- (2) Trees, shrubs and other landscaping materials shall be provided within the frontage landscape strip as required for the Character Area in which the property is located.
- (3) Upon planting, new trees shall have a caliper of no less than 2 inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (4) Trees and shrubs in the frontage landscape strip are not to extend into the street right-of-way, nor interfere with the sight triangle requirements of this Code for street and driveway intersections.
- (5)

DIVISION II. PARKING LOT AND LOADING AREA LANDSCAPING.**Sec. 806 Parking lot plantings.**

- (1) Shade trees shall be provided within or adjacent to any parking lot and that is designed or intended to accommodate 10 cars or more. In addition to trees, landscaping is required within such parking lots as well as screening along streets as provided in this Division.
- (2) Parking areas for company-owned vehicles as defined under Section ____ of the Parking and Loading Requirements Chapter, and areas set aside for the loading and unload of trucks or vans, are exempt from the requirements of Section 1007 but must comply with Section 1008 if visible from a street.

806 (b) Landscaping and trees in parking lots.**806 (c) Landscape areas required.**

The section applies to any parking lot designed or intended to accommodate 10 cars. Landscape islands, strips or other planting areas shall be located within the parking lot and shall constitute at least 8% of the entire area devoted to parking spaces, aisles and connecting driveways.

- (1) Landscape islands, strips or other planting areas shall be landscaped with any combination of such plant materials as trees, shrubs, grass or ground cover,. Such planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain. All plant materials other than grass shall be mulched.
- (2) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than 8 feet wide for at least one-half the length of the adjacent parking space.
- (3) Landscape islands between side-by-side parking spaces shall be no less than 8 feet in width and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 5 feet in width and provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.

806 (d) Trees required.

- (1) Shade trees shall be provided within or immediately adjacent to and surrounding the parking lot at a ratio of at least 1 shade tree for every 10 parking spaces, or portion thereof.
- (2) Trees must be placed in or around the parking lot such that every parking space is within 50 feet of a shade tree. The 50-foot distance is measured from the center of the tree to any point within the parking space.
- (3) New trees shall have a caliper of no less than 2 inches upon planting, and shall be maintained in good condition. Trees must be removed as a result of disease, damage or death, and must be replaced.

- (4) All trees retained or provided under this Section may be counted toward the minimum tree density requirements of the tree conservation provisions of this Chapter).

806 (e) **Tree planting areas.**

Tree planting areas shall be no less than 8 feet in width at their widest point and shall provide at least 160 square feet of useable planting area per tree. No tree shall be located less than 2 feet from the back of curb (or edge of pavement if curbs are not provided).

806 (f) **Parking lot lighting.**

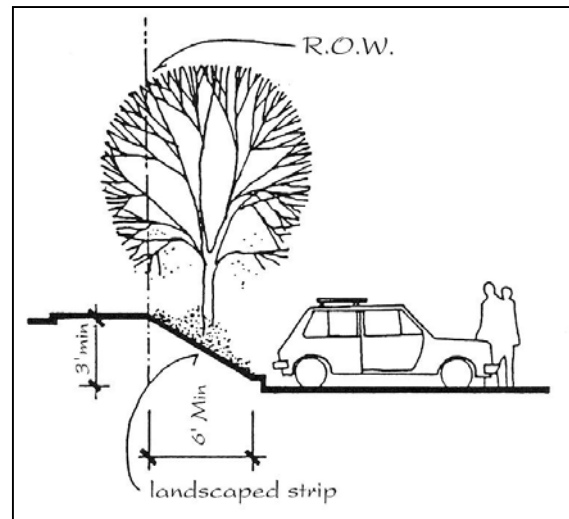
Lighting standards in and surrounding parking lots shall not conflict with tree locations, considering the height and breadth of the trees normally achieved at maturity and their root systems.

Sec. 807 Street-side screening.

Any parking lot designed or intended to accommodate 10 cars or more, and any area set aside for loading or unloading of trucks or vans, which are visible from a street right-of-way, must provide a landscaped visual screen of the parking lot or loading area that meets the requirements of this Section.

807 (a) **Visual screening required.**

Decorative visual screening that is 100% opaque shall be provided to a height of 3 feet above the elevation of the parking/loading area or the street, whichever is highest.



807 (b) **Screening alternatives.**

(1) The decorative visual screening may be provided in any of the following ways:

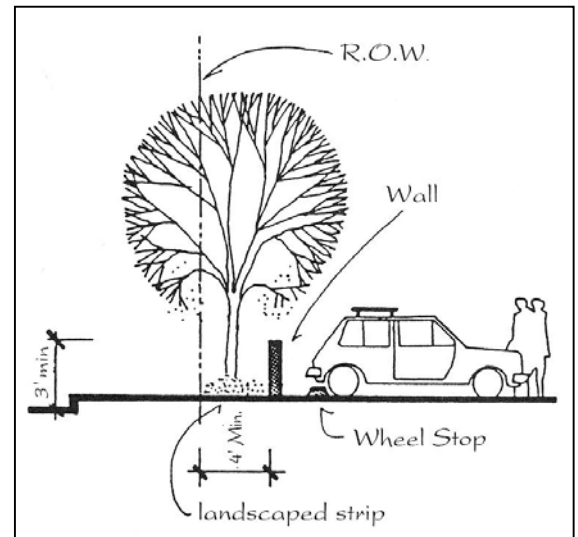
- a. *Planted only.* A hedge consisting of at least a single row of shrubs planted 3 feet on center that will spread into a continuous visual screen within 2 growing seasons. Shrubs must be at least 18 inches tall at the time of planting. The hedge must be set back at least 4 feet from the street right-of-way line.
- b. *Earthen berm.* An earthen berm constructed to a height of 3 feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 50% (1 foot of vertical rise for every 2 feet of horizontal run) and shall have a crown of at least 2 feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect to the reasonable satisfaction of the Planning & Development Director.
- c. *Wall.* A wall of brick, stone or finished and textured concrete may be constructed to the required height and opacity, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Plan-

ning & Development Director. The wall must be set back at least 4 feet from the street right-of-way line.

- d. *Combination.* Any combination of hedge, berm or wall that effectively provides a visual screen of the parking lot or loading area to a height of 3 feet and achieves a decorative effect through appropriate use of landscaping and plant material.

807 (c) **Obstructions to sight distance.**

All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Code regarding vision clearance in sight triangles at street intersections with driveways and other streets.



DIVISION III. BUFFERS BETWEEN INCOMPATIBLE LAND USES.**Sec. 808 Land use buffers; when required.**

- (1) To separate a more intensive use when adjacent to a less intensive use, as required by the Character Area where the property is located.
- (2) Land use buffers are required to be created by the new development at the time of construction..

Sec. 809 Land use buffer design standards.**809 (a) General.**

Land use buffer areas shall contain no driveways, parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Code. Underground utilities may be permitted to cross a buffer if the screening standards of this Code will be subsequently achieved. The Director of Planning and Development may approve vehicular access through a buffer.

809 (b) Width of Buffer.

- (1) Buffers required along any lot line shall be as required for the Character Area in which the property is located. When a proposed development is adjacent to an existing development but the full width of the new developments required buffer does not exist on the adjacent property, the new development shall provide a buffer of adequate width to meet the full width of the required buffer between the uses.

809 (c) Minimum Required Screening.

Minimum required screening shall consist of a natural buffer utilizing existing vegetation, any combination of existing and replanted vegetation or a structural buffer, whichever provides an opaque visual screen to a height of 6 feet, within two growing seasons.

809 (d) Natural buffers.

Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

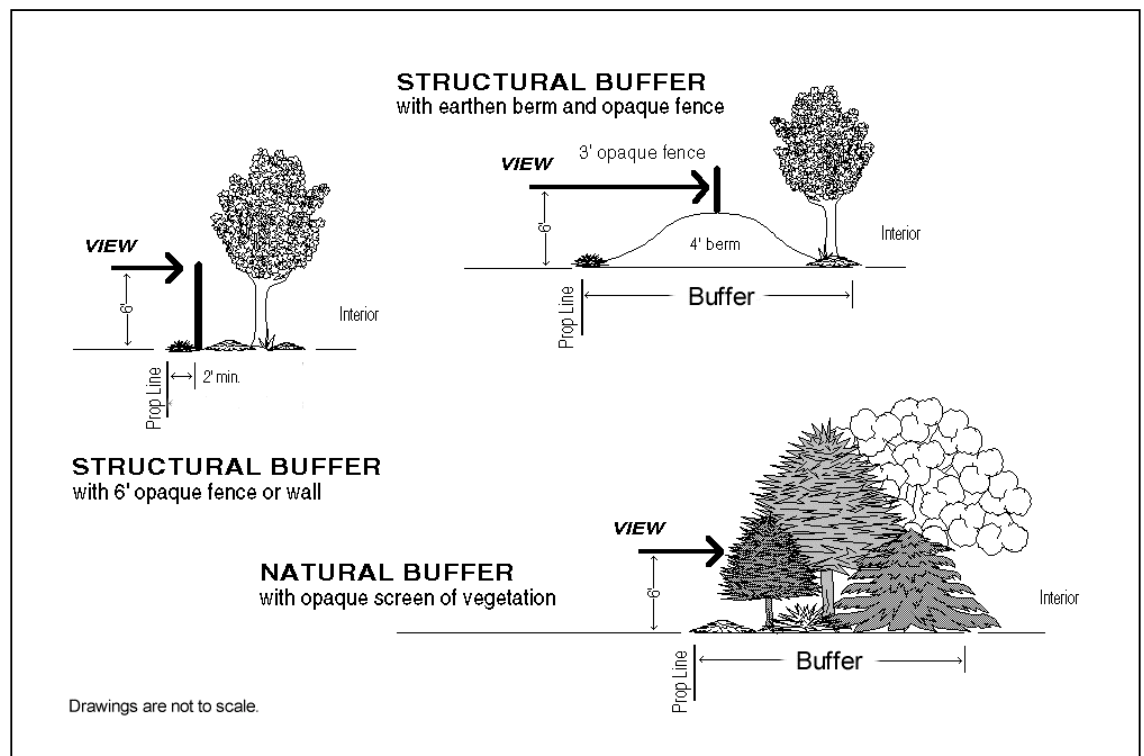
809 (e) Structural buffers.

Structural buffers must provide a 100% opaque visual screen 6 feet high upon construction, utilizing fences, freestanding walls or earthen berms (or any combination) and shall meet the following criteria:

- (1) Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
- (2) All earthen berms shall have a maximum side slope of 50% (1 foot of vertical rise to 2 feet of horizontal run). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.

- (3) Trees shall be located or planted within any structural buffer at a density of no less than one tree for each 15 feet of buffer length or portion thereof. New deciduous trees shall have a caliper of no less than 2 inches upon planting, and new evergreens shall be at least 5 feet tall when planted.
- (4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than 2 feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
- (5) Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.
- (6) The accompanying Figure 8.1 provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this Section are also acceptable.

Figure Error! Reference source not found..1: Examples of Buffers.



Sec. 810 Maintenance of buffers.

Every buffer required by this Chapter shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of 6 feet on a continuous, year-round basis.

Sec. 811 Buffer modifications.**811 (a) Automatic reduction in buffer width.**

If a structural buffer is provided that creates an opaque screen to a height of no less than 8 feet instead of 6, the buffer may be reduced to a width of no less than 50% of the buffer width otherwise required, but no less than 10 feet.

811 (b) Location of buffers.

Buffers may be relocated on the site to best achieve the screening required.

811 (c) Waiver for unnecessary buffers.

The Planning Commission may waive a buffer requirement or reduce its extent to a temporarily appropriate level of screening if the Future Land Use map anticipates future development on the adjoining property in a land use category such that a buffer would not be required by this Code once the adjoining property is developed.

DIVISION IV. TREE CONSERVATION.**Sec. 812 Tree conservation; intent and findings.****812 (a) Intent.**

The intent of this Division is to provide standards for the protection or replacement of trees as part of the land development and building construction process within Lumpkin County; to make the County an attractive place to live and to provide a healthy living environment; to better maintain control of storm water runoff, noise, glare, and soil erosion; and to preserve, protect, and promote the general health, welfare, and safety of the public.

Sec. 813 Tree conservation; where required.

Tree conservation in accordance with the provisions of this Division shall be applied to every activity that requires the issuance of a land disturbance permit under Lumpkin County regulations, except where otherwise exempted by the provisions of this Division.

813 (a) Application to new development or disturbed areas.**(1) Residential subdivisions.**

- a. Residential subdivisions shall comply with the tree protection requirements of the Lumpkin County Subdivision Regulations.

(2) Multi-family residential development.

New multi-family developments or expansion of existing multi-family development must comply with the requirements of this Division.

(3) Commercial and industrial development.

- a. A new commercial or industrial development on an individual lot, or expansion of an existing commercial or industrial use, must comply with the requirements of this Division.
- b. New commercial and industrial subdivisions are subject to a two-staged review process by the County (for the infrastructure and later for each individual lot). For this reason, these subdivisions may base density calculations on the net disturbed site area defined by the limits of clearance and construction. The phase 1 plan shall address the method and timing of ultimate compliance with this Division.
- c. Nonresidential out-lots.

Out-lots and separate parcels of a phased-unit development must collectively provide the number of tree units required under Section 815 (a)(1); however, in no case may an individual out-lot have less than 10 tree units per acre.

(4) Additions to Existing Projects.

For additions to existing projects, the density requirements may be met in one of the following ways:

- a. Calculate the area of any new land disturbance and/or improvements and add replacement trees based on that area (existing trees elsewhere on the site may not be counted with this option); or,
 - b. Base density requirements on the total site area and count any existing trees on the site (subject to the restrictions of the next Section).
- (5) Phased Projects and Reduced Net Site Areas.
- a. Where development is going to occur in phases (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line.
 - b. Similarly, a reduced net site area may be achieved by using only the area of actual site disturbance (new projects only), provided that limits of construction line is clearly shown on the plan (existing trees elsewhere on the site may not be counted with this option).
 - c. In both instances, the following criteria are applied regarding existing trees:
 1. Existing trees to be counted toward meeting the density requirements be within the phase line or limits of construction.
 2. If the tree save areas must be established outside these areas, they must be located where future development will not impact them.
 3. The trees in areas outside the phase line or limits of construction may not be counted toward the density requirement of subsequent phases or new projects.

813 (b) Exemptions from tree conservation requirements.

The tree conservation requirements shall not apply to the following:

- (1) Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets.
- (2) Agricultural activities.

Property in use for agricultural tree harvesting (as defined by this Code) or other agricultural activities (as defined by this Code) provided that the requirements of the Timbering and Forestry Section of the Restrictions on Particular Uses Chapter of this Code are met.

813 (c) Clearing and/or grading only permits.

- (1) When seeking a limited land disturbance permit (i.e. clearing, clearing and grading, or grading only), it is necessary for applicants to show compliance with the required tree density factor required under Section 815 (a)(1).
- (2) If trees exist on the site, the required density be met with those trees. If this cannot be done, replacement trees are required. A replacement tree plan must be a part of the approved clearing and/or grading plan.
- (3) If an application for a full disturbance permit is not submitted within one year following approval of a grading permit, the property must be brought up to mini-

minimum tree density standards of this Chapter by the owner, who shall be subject to enforcement action without regard to the holder of the grading permit.

Sec. 814 Calculation of “tree units.”

814 (a) Use of tree units.

The requirements of this Division with regard to the preservation or planting of trees is expressed in terms of “tree units” rather than the number of trees. This approach provides the developer with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

814 (b) Establishment of tree unit values.

The diameter of a tree’s trunk establishes the “tree unit” value of an existing tree, as shown on Table **Error! Reference source not found..1**.

- (1) The values assigned to trees of the same size are different for existing and new trees, as indicated in the table. One “unit” is not the same as one “tree.”
- (2) Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 = 5).
- (3) The tree unit value for a tree greater than 20 inches DBH shall be determined by dividing the square of the tree’s diameter at breast height by 100 ($\text{Diameter}^2 \div 100$).

Table Error! Reference source not found..1: Tree Unit Values

Tree Unit Values for Existing Trees*				Tree Unit Values for New (Replacement) Trees			
DBH (inches)	Tree Units	DBH (inches)	Tree Units	Caliper (inches)	Tree Units	Caliper (inches)	Tree Units
3	0.09	12	1.44	1 (pine)	0.15	8	1.80
4	0.16	13	1.69	1 (hardwood)	0.25	9	1.80
5	0.25	14	1.96	2	0.50	10	2.10
6	0.36	15	2.25	3	0.80	11	2.10
7	0.49	16	2.56	4	1.00	12	2.30
8	0.64	17	2.89	5	1.20	13	2.60
9	0.81	18	3.24	6	1.50	14	2.80
10	1.00	19	3.61	7	1.60	15	3.10
11	1.21	20	4.00				

The unit value for an individual tree over 20 inches DBH shall be calculated as follows:

$$\frac{(\text{Diameter}^2)}{100}$$

*See text for increased tree unit values for Specimen Trees that are retained on the site.

Tree unit values for container grown pine are:

7 gallon	0.15
3 gallon	0.05

The use of 3 gallon pines requires specific approval in writing by the County.

Sec. 815 Trees to be provided or retained.**815 (a) Number of tree units upon completion of development.****(1) Tree units required (tree density factor).**

Upon completion all developments subject to this Division, shall have a number of tree units per acre of development site or disturbed area, whichever is less, as shown on Table **Error! Reference source not found..2**. The limits of grading activity shall establish the extent of land disturbance.

**Table Error! Reference source not found..2:
Tree Units Required Upon Completion**

Development Type	Tree Density Factor (Tree Units per Acre*)
Multi-family	20
Commercial	17
Industrial	15

*Per acre of development site or disturbed area, whichever is less, but not including Excluded Areas.

(2) Trees meeting tree unit requirements.

All trees planted or retained on the site including required landscaping areas and parking lots, except for trees planted or retained within an Excluded Area as defined under this Section, shall be counted toward the minimum tree units required by Table **Error! Reference source not found..2** on the site in accordance with the values shown on Table **Error! Reference source not found..1**.

815 (b) Tree inventories and surveys.

- (1)** All trees that are to be counted toward meeting density requirements must be inventoried. Trees in Excluded Areas need not be inventoried.
- (2)** Sampling methods may be used to determine tree densities for forested areas greater than 2 acres in extent, subject to prior approval of the County.
- (3)** All specimen trees as defined below under Section 815 (c) must be shown on the plan with an indication whether they are to be retained or removed. Accurate locations are requested when the preservation of a specimen tree is questionable, or when a site design alteration is required by the County. Approximate locations are acceptable otherwise.

815 (c) Specimen trees.**(1) Specimen trees; defined.**

Any tree that meets all of the following criteria due to its size and condition is considered to be "specimen tree":

- a. Size Criteria.
 - 1. Overstory deciduous tree: 24-inch diameter or larger.
 - 2. Overstory evergreen tree: not applicable.
- b. Condition Criteria.
 - 1. Life expectancy of greater than 15 years.
 - 2. Relatively sound and solid trunk with no extensive decay.
 - 3. No more than one major and several minor dead limbs.
 - 4. No major insect or pathological problem.

(2) Specimen trees; preservation.

- a. Lumpkin County strongly advocates the preservation of specimen trees. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees that are successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved would be 2 times the assigned unit value shown in Table **Error! Reference source not found.**.1.
- b. Specimen trees 54 inches in diameter or greater must be preserved.
- c. When the critical root zone of a specimen tree located off-site may be affected by proposed construction activities, tree protection devices are to be installed around the critical root zone of the specimen tree on the property under construction.
- d.

815 (d) **Tree replacement standards.**

(1) Introduction.

- a. The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree replacement intent of this Code.
- b. Tree replacement plans be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort be made to maximize the environmental benefit of the plant material.

(2) Planting specifications.

- a. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
- b. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Transplanting Manual* or similar publication. Reference may also be made to the American Association of Nurserymen publication *American Standard for Nursery Stock* (ANS1260.1, 1996 or latest edition) for plant material quality specifications. Reference may also be made to the *Manual of Woody Landscape Plants*

(Michael Dirr, 1983, Castle Books) or similar publication for information on tree species site requirements.

(3) Species.

- a. Species selected as replacement trees must be quality specimens, and must be ecologically compatible with the intended growing site. To insure diversity, a minimum of 4 species of tree shall be used. Sites requiring limited replacement shall be evaluated by the County to allow use of fewer species.
- b.
- c. Where trees must be added to achieve the required tree units per acre for the site, pines may not comprise more than 50 percent of the required units. Where existing pines already comprise 50 percent or more of the required units, no more pines may be credited toward the required units.
- d. Trees shall only be awarded credit toward the required tree units on the site when situated in areas where they may grow to mature height without pruning.

(4) Minimum root zones.

In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the County:

- a. Overstory trees - 160 sq. ft. of pervious root zone.
- b. Understory trees - 100 sq. ft. of pervious root zone.
- c. All planting strips - 5 ft. minimum width.

Public street rights-of-way.

Trees shall not be planted within any public street right-of-way.

(5) Placement of trees.

The replacement trees on a property shall be placed reasonably uniformly throughout the disturbed area.

Sec. 816 Protection of existing trees.

For existing trees that are proposed to be retained in order to meet the minimum requirements of this Code, the following provisions shall apply;

816 (a) **Damage prohibited.**

No person shall:

- (1) Cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this Code.
- (2) Attach any wire, nails, advertising posters, or other contrivance harmful to any tree.
- (3) Allow any gaseous, liquid, or solid substance, which is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with them.

- (4) Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

816 (b) **Construction standards.**

- (1) Purpose of tree protection devices.

Tree protection devices are necessary to eliminate activities detrimental to trees including but not limited to:

- a. Soil compaction in the critical root zone resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;
- b. Root disturbance due to cuts, fills or trenching,
- c. Wounds to exposed roots, trunks or limbs by mechanical equipment; -
- d. Other activities such as chemical storage, cement truck cleaning, fire, etc.

- (2) Location and types of tree protection devices.

- a. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the critical root zone.
- b. Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.
- c. The locations of all tree protection devices will be verified prior to the issuance of the construction permit for clearing and/or grading.
- d. Once Protected Zones are established and approved, any changes are subject to County review.

- (3) Materials.

Tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material.

- (4) Sequence of installation and removal.

All tree protection devices shall be installed prior to any clearing, grubbing or grading. The County must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the Construction Permit. Tree protection must remain in functioning condition throughout all phases of development, but is to be removed prior to issuance of a Certificate of Occupancy.

- (5) Other specifications.

- a. Clearing - Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Avoid felling trees into protection zones or disturbing roots inside the protection zones. Roots shall be cut cleanly before tree removal.
- b. Erosion and Sedimentation Control - All erosion and sedimentation control measures shall be installed in a manner which will not result in the accumulation of sediment in a tree protection zone.

- c. Signage - All tree protection zones shall be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process.
- d. Signs requiring subcontractor cooperation and compliance with the tree protection standards shall be posted at site entrances.

816 (c) **Prohibited activities.**

(1) Compaction prohibited.

All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or above-ground damage shall be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable, the critical root zone shall first be cut cleanly, then immediately mulched with a 4 inch layer of processed bark or wood chips or a 6 inch layer of straw.

(2) Grade change prohibited.

There shall be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system. Deposition of sediment in the critical root zone shall be prevented by placement of sediment barriers, which shall be backed by 2 x 4 inch wire mesh in areas of steep slope.

(3) Ditches prohibited.

No person shall excavate any ditch or trench within the critical root zone. Where such encroachment is unavoidable, ditches or trenches shall be so located as to minimize root damage. If roots must be cut, they must be cut cleanly and immediately mulched.

(4) Paving prohibited.

No person shall pave with concrete, asphalt, or other impervious material within the critical root zone.

DIVISION V. LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE.**Sec. 817 Site landscaping plans.****817 (a) Site landscaping plans; where required.**

- (1) Landscaping, buffer and tree conservation plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening, buffer or tree conservation requirements apply.
- (2) The Director of Planning & Development may authorize the Building Inspector to issue footing and foundation permits for the project so that construction may proceed prior to final approval of the landscaping, buffer and tree conservation plans.
- (3) Permits for construction beyond the footing and foundation shall not be issued until the landscaping, buffer and tree conservation plans have been submitted and approved.

817 (b) Site landscaping plans; criteria.

All proposed landscaping as required by this Code in frontage landscape strips; for parking lot landscape areas, trees and street-side screening; in land use buffers; and trees to be retained or planted as required by the tree conservation provisions of this Code, shall be illustrated on plans as described in this Subsection. The plans shall accompany any application for a development permit under Lumpkin County regulations, and may be consolidated as one plan if the information can be clearly shown. All site landscaping plans, land use buffer plans, and tree conservation plans shall be prepared by a registered landscape architect, nurseryman or arborist.

- (1) Site landscaping plan.
 - a. Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 - b. Caption:
 1. The name of the development and its acreage (or square footage if less than an acre).
 2. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 3. Name, address, telephone and fax numbers of the applicant.
 4. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 5. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.

- d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
- e. The outline of all existing and proposed buildings and structures.
- f. The boundaries of all natural buffers, stream greenways and other areas required remaining undisturbed.
- g. The boundaries of each required landscape strip.
- h. A planting plan showing the location, size and common name of proposed plant materials.
- i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscape strips or parking lot landscaping.

(2) Land use buffer plan.

A land use buffer plan shall be prepared for any natural or structural land use buffer required in accordance with the specifications and standards contained in this Code under Sec. 808. The land use buffer plan shall show:

- a. Caption, as required under 817 (b)(1)b for site landscaping plans.
- b. The boundaries of each required buffer area.
- c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
- d. For each natural buffer, the plan must show:
 - 1. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with Sec. 816 of this Code.
 - 2. Proposed supplemental plantings required to maintain the opaque visual screen required.
- e. For each structural buffer, the plan must show:
 - 1. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
 - 2. A planting plan showing the location, size and type of proposed plant materials.
 - 3. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for land use buffers.

(3) Tree conservation plan.

The tree conservation plan shall be submitted to the Planning & Development Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

- a. Tree conservation plan; preparation.

1. The tree conservation plan for any multi-family or nonresidential development shall be related to the site plan for the project. Combination of the tree conservation plan and the site landscaping plan is encouraged.
 2. For subdivisions, the tree conservation plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this Subsection will be added.
- b. The tree conservation plan shall include the following basics:
1. For multi-family or nonresidential development projects, scale at 1 inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 2. Caption, as required under 817 (b)(1)b for site landscaping plans.
 3. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.
 4. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 5. The outline of all existing and proposed buildings and structures.
 6. The boundaries of all natural land use buffers, stream greenways and other areas required to remain undisturbed.
 7. The boundaries of each required landscape strip.
- c. The tree conservation plan shall show the following:
1. The extent of the development site or disturbed area, the gross area of the site, and the net site area to which the tree conservation requirements apply.
 2. Specimen trees:
 - a) Each specimen tree that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement.
 - b) Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
 3. Tree plan:
 - a) Limits of tree conservation areas, showing existing trees to be retained and new trees to be planted, specifying type and size.
 - b) In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size (or size grouping by 3-inch spreads, such as 7-9 inches).
 - c) Calculations showing compliance with the tree unit requirements of Section 815 (a)(1) of this Chapter.

Figure 8Error! Reference source not found..2: TREE CONSERVATION PLAN NOTES:

All tree protection devices must be installed and inspected prior to clearing, grubbing or grading. Call the Lumpkin County Planning & Development Department for an inspection.

Tree protection shall be vigorously enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.

The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project. Call the Lumpkin County Planning & Development Department for an inspection.

Light poles and other permanent structures, except fire hydrants and irrigation devices, are prohibited in parking lot islands.

A maintenance inspection of trees will be performed after one full growing season from the date of final construction inspection. Project owners at the time of the maintenance inspection are responsible for compliance with the provisions of this plan and the Lumpkin County Land Use Code.

- d) Planting schedule, if applicable.
- e) Curb stops to prevent vehicle overhang, where required to protect planting areas and vegetation.
- 4. During-construction activities:
 - a) Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees Section of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.
 - b) Staging areas for parking, materials storage, concrete washout, and debris burn and tub grinding.
- 5. Additional information.

Additional information that the Planning & Development Director may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.
- 6. Notes.

Each tree conservation plan shall include notes clearly printed on each plan sheet, as shown in Figure 8Error! Reference source not found..2.

817 (c) Exemptions from site landscaping plan requirements.

- (1) The provisions of this section shall not apply to structures for which site landscaping plans have previously been submitted and approved.
- (2) Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. 818 Plant materials; standards.**818 (a) Acceptable plant materials.**

- (1) Acceptable plant materials for landscaping, buffers and tree replacement shall be as approved by the County or, alternatively, by a Georgia registered Landscape Architect at the developers expense.
- (2) The *American Standard for Nursery Stock*, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.

818 (b) Approval of plant materials.

Approval of a proposal to use a specific landscaping or buffer material shall be subject to approval by the County, or alternatively by a Georgia registered Landscape Architect that the proposed material is the most appropriate for:

- (1) the specific location, given surrounding land uses and the type of screening used on nearby properties, and
- (2) the specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.

Sec. 819 Installation and maintenance of plant materials.**819 (a) Installation of plant materials.**

- (1) Plant materials, as required by the provisions of this Chapter, shall be installed prior to issuance of a Certificate of Occupancy. The County may allow one planting season in a twelve-month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.
- (2) Buffers, if required, shall be installed before a Certificate of Occupancy is granted; except where the weather is not suitable for planting, and escrow provisions are made in accordance with the requirements of this Section.
- (3) Performance surety.
 - a. In such cases as when planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to 6 months; provided that performance security is posted with Lumpkin County in accordance with the following criteria:
 1. Security shall be in cash and submitted to the County for escrow, with the appropriate documentation or letter of credit.
 2. Security shall be provided in an amount equal to 150 percent of the cost of materials, installation and guarantee as demonstrated by a signed contract between the owner and a qualified landscape contractor, and as approved by the County.
 - b. An inspection shall be made by the County of all tree plantings to assure compliance with plan requirements prior to release of the performance security. The performance security will be drawn upon by Lumpkin County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One 6-month extension may be

permitted with documented justification acceptable to the Director of Planning & Development. Any inspections performed after the final inspection (for project release) are subject to reinspection fee schedules.

C.

819 (b) Maintenance of required plant materials.

- (1) The owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance in good condition of the plant materials used to meet the minimum requirements of this Chapter for landscaping, buffer or tree conservation. This responsibility is in addition to and survives the release of any maintenance bond provided for the property by the developer. The plant materials shall be kept free from refuse and debris.
- (2) Plants that are diseased, unsurvivably damaged or are dead shall be removed and replaced with a plant of the same species, variety or cultivator, as acceptable to the County.
- (3) Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

Chapter 9. Procedures and Permits

Sec. 901 Land Use Process

901 (a) As of Right Development

As determined by the Director of Planning & Development, any proposed use that meets all requirements and standards as identified within its character area, village or corridor, as designated on the Future Land Use Plan Map (FLUPM) shall proceed directly to the building permit stage. If a use does not meet all applicable standards as outlined within a character area, village or corridor or as designated on the FLUP Map, the applicant has several potential options available.

- (1) An application for a Special Land Use Approval (SLUA) for specified uses;
- (2) An application for a FLUP Map Amendment;
- (3) An administrative variance to the character area, village or corridor standards; or
- (4) An appeal of an administrative interpretive decision.

Sec. 902 Applicants for Amendments, Variances and Appeals; general procedures.

The general procedures for SLUA, map changes, variances, administrative variances, and appeals are outlined below:

- (1) All applications for SLUA approval, FLUP map amendment, variance, administrative variance, or appeal of administrative decision shall be processed by the Director of Planning and Development on forms provided by the County.
- (2) Administrative variances shall be approved by the Director of Planning, pursuant to Section 906 (b) of this Code.
- (3) Variances and appeals to administrative decisions, shall be reviewed and approved by the Planning Commission at a public hearing, pursuant to Section 906 (d) of this Code.
- (4) Appeals from decisions by the Planning Commission may be appealed to the Board of Commissioners at a public hearing pursuant to Sec. 907 of this Code.
- (5) All requests for SLUA and map amendments shall be forwarded by the Planning Commission to be reviewed at a public hearing by the Planning Commission for a recommendation and approved or denied at a public hearing by the Board of Commissioners, pursuant to Sections 1003, and 1004 (for SLUA) or 1005 (for map amendments).

Sec. 903 Applications and public hearing procedures; in general.

The following procedures apply to applications for SLUA, map amendments or Planning Commission variances & appeals, unless otherwise noted.

903 (a) Initiation.

An application may be initiated by the Board of Commissioners, Planning Commission or by the owner of the property. Unless initiated by the Board of Commissioners, the

owner of a majority interest in the property affected, or their authorized representative shall initiate all such applications.

903 (b) Required application.

If the request is initiated by or on behalf of a property owner, an application shall be required.

- (1) An applicant shall submit the required application form as supplied by the Planning & Development Department, a legal description, a plot of survey, tax parcel identification number and any other pertinent information and a non-refundable fee, if any, as set by the Board of Commissioners from time.
- (2) The Planning & Development Department shall review the application for completeness within 5 days of submission. Incomplete or improper applications will be returned to the applicant.
- (3) An application for a special land use approval, a variance or a land use plan map amendment for the same property shall not be considered more often than once every 12 months from the date of action by the Board of Commissioners or Planning Commission whether approving or denying the application; provided, however, that the Board of Commissioners may approve a reduction in the waiting period to no less than 6 months if it deems such reduction is in the public's interest.

903 (c) Public Notice and Hearings.

The following procedures shall be required for public hearings.

- (1) Public notice.
 - a. At least 15 days but not more than 45 days prior to each public hearing, notice shall be published in a newspaper of general circulation within the county. The notice, shall state the time, place and purpose of the hearing.
 - b. A SLUA, Map Amendment or Planning Commission variance initiated by an owner or their representative shall be heard at a public hearing only upon:
 1. The published notice, in addition to the requirements above, shall include the location of the property, the present character area of the property, and the proposed character area if applicable, the current use and the proposed use of the property and
 2. At least 15 days prior to the public hearing, the applicant shall post a sign or signs provided by the Planning & Development Department stating the date, time and place for the public hearing(s), the present character area classification and the nature of the proposed character area change. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the character area has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

The public hearing held by the Planning Commission and the Board of Commissioners for will be conducted in the following manner:

- c. The Chair or an appointed designee, who will act as the Presiding Official, will convene the public hearing at the scheduled time and place.
- d. The Presiding Official will call for each proposed application to be presented.

- e. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state his or her name and home address.
 - 1. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed change.
 - 2. No less than 10 minutes is to be provided for all of those speaking in support and no less than 10 minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - 3. If reasonable time limitations permit, any member of the general public may speak at the public hearing.
 - f. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant may then be allowed time for rebuttal if adequate time remains.
 - g. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing. During the public hearing, the members of the Planning Commission or the Board of Commissioners may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.
 - h. The policies and procedures for the calling and conducting of public hearings, and the standards governing those hearings shall be available to the public in written form at all meetings.
 - i. All public hearings shall be tape recorded, and the tape shall be preserved for one year, unless judicial challenge is filed, in which case it shall be preserved perpetually.
- (2) Decision.
- a. Variances.

For all variances and appeals that are not administratively processed, the Planning Director will forward all applications and supporting documentation to the planning for processing. The following process will be followed:

 - 1. The Planning Commission may take action as outlined below regarding variances following the public hearing.
 - a) Approve, approve with changes, approve with conditions, or deny the proposal; or,
 - b) Table the proposal for consideration at its next scheduled meeting; or
 - 2. All appeals to Planning Commission decisions must be submitted to the Planning Director and appealed to the Board of Commissioners within 30 days.
 - b. SLUA and Map Amendments.

1. The Planning Commission shall have 30 days following its public hearing in which to make its recommendation. Failure to make a recommendation shall go forward to the Board of Commissioners as “no comment.” Recommendations of the Planning Commissions may not be appealed.
2. Following its public hearing, the Board of Commissioners shall consider the application at the next meeting scheduled for the purpose of considering such matters.
3. In considering an application, action shall be considered by vote of the members present.
 - a) A motion to approve or deny an application must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
 - b) If a motion to approve an amendment fails, the application is automatically denied. If a motion to deny an amendment fails, another motion would be in order.
 - c) A tie vote on a motion for approval of an application shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 - d) If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting.
4. In taking final action on an amendment, the Board of Commissioners may:
 - a) Approve, approve with changes, approve with conditions, or deny the proposal; or,
 - b) Table the proposal for consideration at its next scheduled meeting; or
 - c) Return the proposed amendment to the Planning Commission for further consideration.

903 (d) **Standards.**

The Planning Commission and/or Board of Commissioners, as appropriate, shall consider the following standards in considering any proposal that would result in a special land use approval, variance to character area standards or changes to the Future Land Use Map, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal. Additional and specific standards are also listed under each individual procedure.

- (1) Is the proposed request consistent with the purpose and intent of the character area, village or corridor in which it is located or proposed to be located?
- (2) Is the proposed request consistent with the purpose and intent of this Land Use Code as stated under Chapter 1?
- (3) Will the proposed request cause a burden on County infrastructure?
- (4) Is the proposed request compatible with surrounding land uses within the Character Area and adjacent properties?

- (5) Is the proposed request consistent with goals, strategies and policies of the Comprehensive Plan?
- (6) Is the proposed request required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (7) Does the proposed request reasonably promote the public health, safety, morality or general welfare?

903 (e) **Effect of an application approval.**

- (1) Approval of a SLUPA, variance to character area standards or amendments to the Future Land Use Plan Map shall be in full force and effect upon its approval by the Planning Commission and/or Board of Commissioners, as appropriate, or upon the stated effective date thereof.
- (2) For a property on which a use, building, structure or other improvements existed in conformity with this Land Use Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the Nonconforming Uses provisions of this Land Use Code.

903 (f) **Temporary suspension of permitting.**

Upon initiation or submission of a valid application, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Sec. 904 Special Land Use Approval.

Certain land uses, either because of unique characteristics or the potential for adverse land use, require special land use approval. Requirements for a Special Land use Approval include all “intensive industrial” uses and those others that are specifically identified within this code.

904 (a) Special use concept plan.

- (1) An application for a special use shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Land Use Code.
- (2) The concept plan and application shall address all overall development restrictions, character area, village or corridor restrictions, and any specific restrictions as outlined within this Land Use Code.
- (3) The applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities may prepare a concept plan.
- (4) The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- (5) The concept plan shall show the following:
 - a. Character area classification of the subject property and all adjacent properties.
 - b. The notation of any special character area restrictions and compatibility standards.
 - c. Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - d. Uses of adjacent properties.
 - e. Proposed use of the property.
 - f. The proposed project layout including, lot lines, street right-of-way lines, setbacks, any outdoor storage areas, buffers, parking and driveway area:
- (6) The Concept Plan shall also indicate:
 - a. Name and address of the property owner.
 - b. Name, address, and telephone number of the applicant (if different than the owner).
 - c. If drawn on a boundary survey: date of survey and source of datum,
 - d. Date of plan drawing, and revision dates, as appropriate.
 - e. North point and approximate scale of the drawing

- f. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- g. A statement as to the source of domestic water supply.
- h. A statement as to the provision for sanitary sewage disposal.
- i. The approximate location of proposed storm water detention facilities.
- j. The approximate location of proposed access to the County road system.
- k. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(7) Impact Analysis.

In addition to the concept plan requirements outlined above, the following impact analysis shall be required as follows:

- a. An application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study and a hydrology study, prepared by professional engineers registered in Georgia, under guidelines available from the Transportation & Public Works Department. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. The Public Works Director may waive this requirement when conditions warrant.
- b. A traffic study and a hydrology study, prepared by professional engineers registered in Georgia, shall also be required for a proposed modification to a previously approved LUP amendment if the average daily vehicle trips will increase by 10% or more than calculated for the original LUP amendment approval, or average daily vehicle trips will exceed 1,000 for the first time. The Transportation & Public Works Director may waive this requirement when conditions warrant.
- c. For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia, may be required by the Public Works Director. Determination of such requirements will be made within 5 working days of receipt of the application for SLUP amendment and must be submitted to the Planning & Development Directors at least 5 working days prior to the first public hearing.
- d. A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Planning Commission or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the SLUP amendment request, relative to the standards for LUP amendment consideration contained in Section 905 (b), below.

(8) Quarry and Mining Operations.

The following requirements are specific to any proposed quarry or mining operation in addition to the application and concept plan required above:

- a. A site plan containing the following:
 - 1. Equipment, roads, buildings proposed or existing.

2. Points of ingress and egress.
 3. All roads adjacent to the property.
 4. All existing or proposed buffers.
 5. Existing lakes, ponds, streams, rivers, or other waterways.
 6. Parking areas
- b. An operation plan containing the following:
 1. Date of commencement of the operation and its expected duration.
 2. Proposed hours and days of operation.
 3. The estimated type and volume of extraction. The description of the method of operation, including the disposition of topsoil, overburden and by-products.
 4. A description of the equipment to be used in the extraction process. The applicant shall provide an estimate of the potential noise and dust levels produced by the use and the placement of such equipment.
 - c. A reclamation and rehabilitation plan, shall include the following:
 1. A detailed procedure for the rehabilitation of all excavated land;
 2. Detail projections for future use of the land;
 3. Type of ground cover, backfill and landscaping;
 4. If applicable, methods for disposing of all equipment, structures, dikes and soil piles;
 5. A phasing and timing estimate which shall show the progression of the plan of rehabilitation and estimated time of completion.
 6. Proposed handling and storage areas or overburden, by products and excavated material.
 - d. A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purposes of obtaining a state mining permit.
 - e. A statement from the GA DOT that shall identify any state maintained road within or adjacent to the property, and shall state any repaving, alternations, turning lanes or other additions necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.
 - f. A statement as to the intended use or production of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage and disposal of such materials.
 - g. A well impact and soil survey study shall be prepared covering all properties within 1,000 feet of the property.
 - h. A bond calculated on a specific amount per acre for the purposes of insuring proper reclamation may be required at the discretion of the Board of Commissioners.

Sec. 905 Land use plan map amendments.

The Comprehensive Plan may be amended from time to time for specific properties on the Future Land Use Plan Map by the Board of Commissioners under the procedures of this Section. Such a change is referred to as a “land use plan map amendment,” or LUPM amendment, in this Land Use Code. The applicant shall follow the procedures as outlined in the beginning of this chapter:

- (1) If the LUPM amendment has been initiated by an owner or their representative an application as provided by the Planning Director shall be submitted, and shall be accompanied by a written, documented analysis of the proposed LUPM amendment with regard to each of the standards for LUP amendment enumerated under Section 905 (b).
- (2) The LUPM shall be advertised for the Planning Commission and Board of Commissioner’s public hearings.
- (3) The Planning Commissioner shall hold a public hearing and make a recommendation to the Board of Commissioners.
- (4) The Board of Commissioners shall hold a public hearing and vote on the LUPM.

905 (b) Standards for land use plan map amendment consideration.

In addition to the standards contained in section 1003(d), the Planning Commission and the Board of Commissioners shall consider the following in evaluating a LUPM amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

- (1) The extent to which a change in the economy, land use or development opportunities of the area has occurred.
- (2) The extent to which the proposed designation is in compliance with the goals and policies of the Comprehensive Plan.
- (3) The extent to which additional land area needs to be made available or developed for a specific type of use.
- (4) The extent to which area demographics or projections are not occurring as projected.

905 (c) State of Georgia oversight.**(1) Major Amendments**

If the Board of Commissioners, at their public hearing, determines that the LUP amendment is a “major amendment” under the State guidelines in that it is justified only because the conditions or policies underlying the Comprehensive Plan have changed significantly so as to alter the basic tenets of the Plan, or that the proposal will significantly affect another political jurisdiction, then no action shall be taken on the amendment until the review process mandated by the State’s *Minimum Standards and Procedures for Local Comprehensive Planning* shall have been completed.

Sec. 906 Variances and Appeals

The following section outlines the procedure for obtaining a variance to the requirements and compatibility standards within a character area or an appeal to an administrative decision.

906 (a) Types of appeals.

The Planning Commission shall consider variances and appeals unless the variance is approved administratively as specifically outlined below, for relief under the following circumstances:

- (1) An administrative variance that is referred to the Planning Commission by the Planning Director.
- (2) When aggrieved by an action or an interpretation of the Planning & Development Director or any other administrative official of the County made under this Land Use Code.
- (3) When an exception is desired for a particular property from certain requirements of this Land Use Code, as specified in this Chapter.
- (4) When compliance with the requirements of this Land Use Code would create a particular and unique hardship.

906 (b) Administrative approval.

Only those variances listed in this Subsection, below, and within the parameters stated, may be considered for administrative approval. The Director of Planning & Development, upon a finding that a variance meets the standards for approval contained in this Section, may choose to administratively approve the variance within and not exceeding the following parameters. It is within the sole discretion of the Planning Director to refer any variance to the Planning Commission for approval.

- a. Minimum building setbacks, not to exceed a reduction in the minimum setback required by 25%.
- b. Maximum building height, not to exceed an additional 4 feet above the maximum allowed.
- c. Parking requirements, not to exceed a reduction from the minimum required by 5%, nor an increase in the maximum allowed by 5%.
- d. A reduction in buffer standards if two adjoining uses are compatible.

Applicants will apply directly to the Planning Director utilizing forms as supply by the Director and submitting any supporting documentation as may be requested by the Planning Director.

906 (c) Variances to character area standards.

All other variances or appeals except administrative appeals shall follow the procedures outlined earlier in this chapter:

- (1) Completed application submitted to the Planning Director;
- (2) Advertisement of the application;
- (3) Planning Commission Public Hearing; and

- (4) Final decision by the Planning Commission.

906 (d) **Appeals of an administrative decision.**

- (1) Any person aggrieved by a decision by the Director of Planning or County Engineer may initiate appeals of an administrative action or interpretation to the Planning Commission. Such appeal shall be taken within 10 days of the action or interpretation appealed from, by filing the appeal in writing with the Planning & Development Director. The Planning & Development Director shall transmit a notice of said appeal to the Planning Commission specifying the grounds thereof.
- (2) It is the intention of this Code that all questions arising in connection with the enforcement of this code shall be presented first to the Director of the Planning & Development Department and that such question shall be presented to the Planning Commission only on appeal from the decision of the Planning & Development Director.
- (3) Decision.

The Planning Commission upon appeal of an aggrieved party or at the request of the Planning & Development Director, shall:

- a. Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Land Use Code, where a misinterpretation or misapplication of the requirements or other provisions of this Land Use Code is alleged.
- b. Interpret the use of words or phrases within the context of the intent of this Land Use Code.
- c. Determine the boundaries of the various character areas where uncertainty exists.
- d. Interpret such other provisions of this Land Use Code as may require clarification or extension in specific or general cases.

Sec. 907 Appeals of Planning Commission decisions

Any final decision by the Planning Commission may be appealed to the Board of Commissioners by filing a written appeal with the Planning Director, within thirty days of the Planning Commission's decision. The written appeal must specify the grounds of the appeal.

Chapter 10. Administration and Enforcement

This Chapter sets out the structure for administering and enforcing this Land Use Code, including the responsibilities and procedures of the various enforcement officers in carrying out enforcement activities.

Sec. 1001 Schedules and fees.

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Land Use Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Land Use Code.

Sec. 1002 Administrative roles.

1002 (a) Planning & Development Director.

- (1) The Planning & Development Director is responsible for determining if a use requires a Special Land Use Approval (SLUA), the intensity of non-residential uses and that all standards within character areas, villages and corridors are met.
- (2) The Planning & Development Director is responsible for the receipt, review and processing of all applications for special land use approvals (SLUA), variances, appeals, and Future Land Use Plan Map (FLUPM) amendments filed with the County.
- (3) The Planning & Development Director serves as the Secretary to the Planning Commission.

1002 (b) Building Inspector.

- (1) In conjunction with the Planning Director, the Building Inspector shall certify that all plans meet the standards as outlined within character areas, villages and corridors.
- (2) As the issuing agent for all permits related to the use and occupancy of land and buildings, the Building Inspector is responsible for the proper construction of buildings and structures, the use or occupancy of land and buildings, and continuing conformance to the provisions of this Land Use Code after construction is complete and the property is occupied.

1002 (c) County Marshal.

The County Marshal's Office provides support to the primary enforcement officers of the County through investigations and issuance of warnings and citations.

Sec. 1003 Nonconforming Uses

Lawful nonconforming uses and structures, are declared by this Code to be incompatible with land uses that conform to the requirements of the character area in which the nonconformity exists. However, such nonconforming development may be "grandfathered" and may continue under the circumstances presented in this section for each type of development.

1003 (a) Nonconforming uses and structures; defined.

A nonconforming use is a use, activity or structure that was lawfully established prior to the adoption, revision or amendment of this Code, but which, by reason of such adoption, revision or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Code.

1003 (b) Grandfathered nonconforming uses and structures.

- (1) To avoid undue hardship, the lawful but nonconforming use of any structure at the time of the enactment of this Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Code, except that the nonconforming shall follow individual restrictions within each character area where appropriate. In addition the non-conforming use or structure:
 - a. Shall not be changed to another nonconforming use.
 - b. Shall not be re-established after its removal from the property or its discontinuance for 1 months or more, unless the premises are under a continuing lease but are unoccupied by the nonconforming use, regardless of the intent of the owner or occupier to resume the nonconforming use.
 - c. Shall not be extended more than 25% to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Code and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
 - d. Shall not be repaired, rebuilt or altered after damage exceeding 75% of its replacement cost at the time of destruction except in conformance with this Code; provided that allowed reconstruction is to begin within 6 months after damage of 75% or less is incurred.
- (2) If an existing use was lawfully established in a character area that is subsequently amended to require Special Use approval for such use, the existing use shall not be subject to the provisions of this subsection.
- (3) The strengthening or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

Sec. 1004 Inspection and enforcement actions.**1004 (a) Enforcement.**

Enforcement of this ordinance may be through criminal prosecution, civil administrative fines, or other civil proceedings. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this Code as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Code as the same exists or as it may hereafter be amended shall be subject to a enforcement action. Both the owner of the property and the individual agent(s) of the owner responsible for the violation (including without limitation developers, builders, contractors, etc.) may be cited, where appropriate.

- (1) Representatives of the Planning & Development Department (including the Building Inspector), the County Engineer and the County Marshal's Office shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Land Use Code, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.
- (2) No person shall refuse entry or access to any authorized representative or agent of the County, the Georgia Soil & Water Conservation Commission, the Soil & Water Conservation District, or the Georgia Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

1004 (b) Multiple Violations.

Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation, subjecting the offender to a new civil administrative fine, citation, or other civil or criminal proceeding. Each separate action, omission, or occurrence relating to any specific provision of this Code shall be a separate violation, subjecting the offender to a separate citation. Any offender may be cited with a maximum of ten citations per day.

1004 (c) Stop Work Orders Authorized.

In the event ongoing construction is taking place under a building permit or land disturbance permit, violation of this Code shall authorize issuance of a stop work order in conjunction with the citation or fine, preventing further work or development until said matter is resolved, or until the applicable fine is paid. See Sec. 1004(e).

1004 (d) Criminal Prosecution.

The County Marshall, any authorized representative, or any authorized county official, including code enforcement personnel, may issued criminal citations for violations of this ordinance, or violation of any stop-work order.

- (1) Criminal prosecutions for violation of this Code upon citation shall be commenced by the completion, signing, and service of a citation by an authorized county official or zoning enforcement officer. The original of the citation shall be personally served upon the accused, his or her authorized representative or, if a corporation, an officer of the corporation or its on-site representative or the person or persons in charge of the activity on the property; a copy shall be promptly filed with the Magistrate Court. A stop-work order may be issued in conjunction with a citation.
- (2) Each citation shall state the time and place at which the accused is to appear for trial in Magistrate Court, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the deputy sheriff or other authorized officer who completes and serves it.
- (3) Any Defendant who fails to appear for trial shall thereafter be arrested on the warrant of the Magistrate and required to post a bond for his or her future appearance.

- (4) The District Attorney, County Attorney, or another attorney designated by the County may act as prosecuting attorney for violations of this Ordinance.
- (5) Fines shall be assessed in accordance with Sec. 1005.

1004 (e) Civil Administrative Fine.

In lieu of proceeding with a criminal citation, the Director of Planning or other authorized officer of the Planning and Development Department may issue a civil administrative fine.

- (1) A civil administrative fine may be assessed for any violation of this Code. Civil administrative fines for violation of this Code shall be made by the completion, signing, and service of a civil violation form by an authorized county official or code enforcement officer. The original of the civil violation form shall be personally served upon the accused, his or her authorized representative or, if a corporation, an officer of the corporation or its on-site representative or the person or persons in charge of the activity on the property; a copy shall be promptly filed with the Planning and Development Department. A stop-work order may be issued in conjunction with the civil administrative fine.
- (2) Each civil administrative fine shall identify the provision of the Code which has been violated, shall state the fine and date of service, and shall be signed by the authorized official who completes and serves it. The violator shall be required to pay the fine within ten days, or else appeal the citation to the Planning Commission.
- (3) Any stop-work order issued in conjunction with a civil administrative fine shall not be lifted until the civil administrative fine is paid and the violation is corrected, if necessary to achieve compliance with the Ordinance. No land disturbance permit, building permit, or other permit under any Lumpkin County code or ordinance shall be granted until the fine is paid.
- (4) Fines shall be assessed in accordance with Sec 1005.
- (5) Appeals shall be initiated by filing a written appeal to the Director of Planning. Appeals shall be heard at the next meeting of the Planning Commission, provided the meeting occurs at least three days after the appeal is filed. Payment of the fine shall equate to an admission of the violation, and a violator shall not be allowed to appeal after paying the fine. During the time when any citation is unpaid, no permits under this Code shall be issued to the violator.

1004 (f) Other Civil Proceedings.

In addition to or in lieu of any other remedy, the Director of Planning, any appropriate County authority, any person who is an aggrieved person, or any person who is or would be damaged by such violation, may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Code. Such action may also seek civil fines at the mandatory rates specified in subsection Section 1005 for violation of this Code, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this Code. The County shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed.

1004 (g) Stop-Work Order Procedure.

Upon notice from the Director of Planning, County Engineer, County Marshall, or an authorized designee of such officials, work on any project that is being done contrary to the provisions of this Code shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Stop-work orders may be issued on their own, or in conjunction with criminal citations, civil administrative fines, or other civil proceedings in superior court. Where an emergency or other exigent circumstances exist, no written notice shall be required, and a verbal stop-work order may be issued, with a written order to be provided within three working days. Issuance of a stop work order may be appealed to the Director of Planning and from there to the Planning Commission.

1004 (h) Failure to Obtain Development Permit for Land-Disturbing Activity.

If any person commences any land-disturbing activity requiring a development permit as prescribed in this Land Use Code without first obtaining said development permit, the person shall be subject to revocation of his authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the County.

1004 (i) Fines.**(1) Schedule of Fines.**

Fines assessed under this Ordinance shall be assessed according to the following mandatory schedule, whether assessed as a civil administrative fine, or assessed as a criminal penalty upon conviction. The maximum permissible fine shall be \$1,000 per offense. In no event shall a fine be reduced below the mandatory minimum, as set forth below. As a deterrent to violation, second and subsequent violations by the same offender of any provision of this Ordinance, whether violations of the same or different provisions of this Ordinance as the initial violation, and whether involving the same or different property, shall increase the fine owing. However, repeated citations for the same violation on a second and subsequent days shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation. Multiple violations on the same day shall also be assessed at the same level. "Per vehicle" additions relate to violations such as junk vehicles, parking violations, and similar violations, where each vehicle is in violation of the Ordinance.:

- a. (1) First Violation: For the first violation of any provision of this Ordinance by any violator (whether an individual or corporation), the fine shall \$250.
- b. (2) Second Violation: For the second violation of any provision of this Ordinance (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be \$500.
- c. Third and Subsequent Violations: For the third and subsequent violation of any provision of this Ordinance (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be \$750.
- d. Aggravating Circumstances: If in the judgment of the zoning enforcement officer or the Planning Director, the violation is severe, or other aggravating cir-

cumstances exist, such as multiple violations of numerous provisions of this Ordinance on the same property, the citation may indicate "Aggravating Circumstances Exist," and state those circumstances. The magistrate or superior court may also issue such a determination. The fine shall be doubled in such cases, if the determination of aggravating circumstances is upheld, to a maximum of \$1,000.

- (2) Additional Criminal Penalties. Persons cited criminally are also subject to the following criminal penalties:
 - a. Incarceration. In addition to monetary penalties, any person cited with a criminal violation, and found guilty in magistrate court, may be punished by a sentence of imprisonment not exceeding 60 days in jail in addition to the minimum fine.
 - b. Community Service. In lieu of, or in addition to, any fine or incarceration, community service may be ordered by the magistrate court as punishment for a violation of this Code. Said community service shall be not less than 20 hours but not more than 250 hours, which must be performed within one year from the date of conviction for a violation of this Ordinance.
 - c. Any person placed on community service or otherwise placed on probation for a violation of this Code shall pay such supervisory fees as may be authorized by law.

1004 (j) **Records.**

The Planning and Development Department shall keep records of violators, whether corporate or individual, in order to determine when second or subsequent violations occur.

Sec. 1005 Liability.

- (1) Neither the approval of a plan under the provisions of this Code, nor the issuance of a permit, nor the compliance with provisions of this Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.
- (2) No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.

1005 (b) **Removal of illegal signs.**

The Building Inspector may order the removal of any sign in violation of this Land Use Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

- (1) Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made to the Board of Commissioners. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Building Inspector is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

(2) Removal without notice.

- a. The Building Inspector or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Land Use Code, without giving notice to any party, if:
 1. Said sign is upon the public right-of-way or upon other public property; or
 2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- b. Following such removal, the County may collect the costs as provided in the following section.

(3) Costs of removal.

- a. Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.
- b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Building Inspector shall certify the amount thereof for collection to the County Attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.
- c. Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

Chapter 11. Definitions

Note: This entire chapter will be revamped according to final draft cut.

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied. See also "Principal Use" and "Accessory Use or Structure."

Principal Use: The specific, primary purpose for which land or a building is used.

Accessory Use or Structure: A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not normally exist independent of the principal use.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to buildings, driveways, parking lots, walls, fences, signs, and swimming pools.

Building: Any structure having a roof and intended for shelter, housing or enclosure.

Principal Building: A building in which is conducted a principal use.

Heavy Manufacturing Establishments, shall include, but not be limited to:

- Alcohol or alcoholic beverage manufacture, excluding wine or beer.
- Asphalt plants.
- Automobile and truck manufacture
- Brick, clay tile, or concrete products manufacture.
- Chemical manufacture, inorganic manufacture.
- Distillation of bones and glue manufacture.
- Explosive manufacture or storage.
- Fat rendering and fertilizer manufacture.
- Ice manufacturing plants.
- Paper and paper pulp manufacture.
- Petroleum refining.
- Railroad classification and repair yards.
- Smelting of metal ores or drop forge industry.
- Sugar refineries.
- Manufacturing operations not housed within a building.
- Transportation Equipment manufacturing.
- Leather manufacture and processing.
- Fabricated metal manufacture.

Light manufacturing and processing. Manufacturing establishments and operations other than those classified as heavy manufacturing, which are housed within a building and emit no excess or offensive

noise, dust or vibrations beyond the property, which the establishment is located. These uses include, but are not limited to:

- Bottling works for soft drinks and beer.
- Milk processing and bottling.
- Ice cream and frozen desert manufacture.
- Clothing and garment manufacturing.
- Toy manufacturing.
- Die plants.
- Food processing.
- Monument works.